



ANNUAL
REPORT
2014



Labour Relations Board

BRITISH COLUMBIA
LABOUR RELATIONS BOARD

2014
ANNUAL REPORT

**Ministry of Jobs, Tourism and Skills Training and
Minister Responsible for Labour
Honourable Shirley Bond, Minister**

February 27, 2015

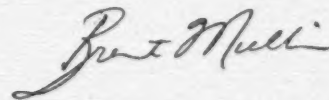
The Honourable Shirley Bond
Minister of Jobs, Tourism and Skills Training
and Minister Responsible for Labour
Parliament Buildings
Victoria, B.C.
V8V 1X4

Dear Honourable Minister:

RE: Labour Relations Board 2014 Annual Report

I am pleased to forward the 2014 Annual Report of the Labour Relations Board for the year ending December 31, 2014. This Report has been prepared for your review pursuant to Section 157(2) of the *Labour Relations Code*.

Yours truly,
LABOUR RELATIONS BOARD

A handwritten signature in cursive script, reading "Brent Mullin".

Brent Mullin
Chair

Enclosure

TABLE OF CONTENTS

LETTER OF TRANSMITTAL

CHAIR'S MESSAGE

ORGANIZATIONAL CHART

I.	THE BOARD.....	1
	A. GENERAL OVERVIEW	1
	B. OFFICE OF THE CHAIR.....	2
	C. REGISTRY.....	2
	D. COLLECTIVE AGREEMENT ARBITRATION BUREAU	5
	E. ADJUDICATION DIVISION.....	5
	F. MEDIATION DIVISION.....	6
	G. ADMINISTRATION.....	8
II.	BOARD MEMBERS AND MEDIATORS	9
	EXECUTIVE	9
	VICE CHAIRS.....	10
	MEDIATORS.....	12
III.	HIGHLIGHTS OF BOARD DECISIONS.....	13
IV.	COURT DECISIONS.....	18
V.	STATISTICAL TABLES	20

CHAIR'S MESSAGE

Previous Chair's Messages have noted the need to reform the way we do labour relations at the Board. In particular, it was noted that we needed to change our adjudicative processes and overcome the culture of legalism which had captured our proceedings. Ultimately, in 2012, the 180 day Timelines Regulation was adopted to assist with this: see the previous Chair's Messages in the Board's 2008, 2012, and 2013 Annual Reports.

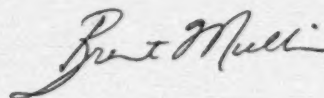
In what follows, I will set out key means by which the Board has put this needed reform into effect. As will be seen, the key principles in these developments have now all received support, even urging, from the Supreme Court of Canada in terms of the need to change both the processes and culture in the legal system.

However, legal reform can itself all too easily become bogged down in its own complexity and delay. As a result, the principles at work need to be clear and simply spelled out. They are:

1. an oral hearing will be held only where it is necessary - parties at the Board need to earn their way into a hearing room. Otherwise, the matter should properly and efficiently be dealt with summarily on the basis of the parties' submissions. Being "heard" does not necessarily require the cost and delay of an oral hearing. In reality, as the Supreme Court of Canada has explained, "undue process and protracted trials, with unnecessary expense and delay can *prevent* a fair and just resolution of disputes" (emphasis in original)ⁱ. As a result, the Board has become ever more vigilant in resisting the old practice of drifting into a hearing as if it is an automatic right;
2. it is not necessary for a decision to respond to every legal argument - what needs to be done is to answer the labour relations case before the Board and thereby provide a resolution to the parties' dispute, not answer every legal argument which can be thought of and made. This focus has received the blessing of the Supreme Court of Canada specifically in labour relations contexts;ⁱⁱ
3. proportionality - the amount of time, process, and expense incurred by the parties and the Board in dealing with a matter needs to be commensurate with the significance of the case. Parties before the Board should not be allowed to demand disproportionate processes to deal with their matters. Proportionality is a key aspect in the reform of all legal processes. The Board has strongly endorsed this principle and, with the assistance of the Timelines Regulation, will seek to ensure it is applied,ⁱⁱⁱ

4. the use of will say statements and affidavits - to assist its processes consistent with the thrust of these principles, the Board has adopted the use of will say statements and pre-hearing affidavits,^{iv} and
5. mediation - the Board will continue to focus on the use of mediation wherever possible in its processes. An agreed to, mediated settlement of a matter is most often the preferred labour relations outcome. The Board will continue to make all the efforts it can to assist the parties in that regard.

All of these matters will continue to be applied by the Board in the reform of its adjudicative processes, with the goal of making these processes as practical, timely, and as much of assistance to the parties as possible.



Brent Mullin
Chair

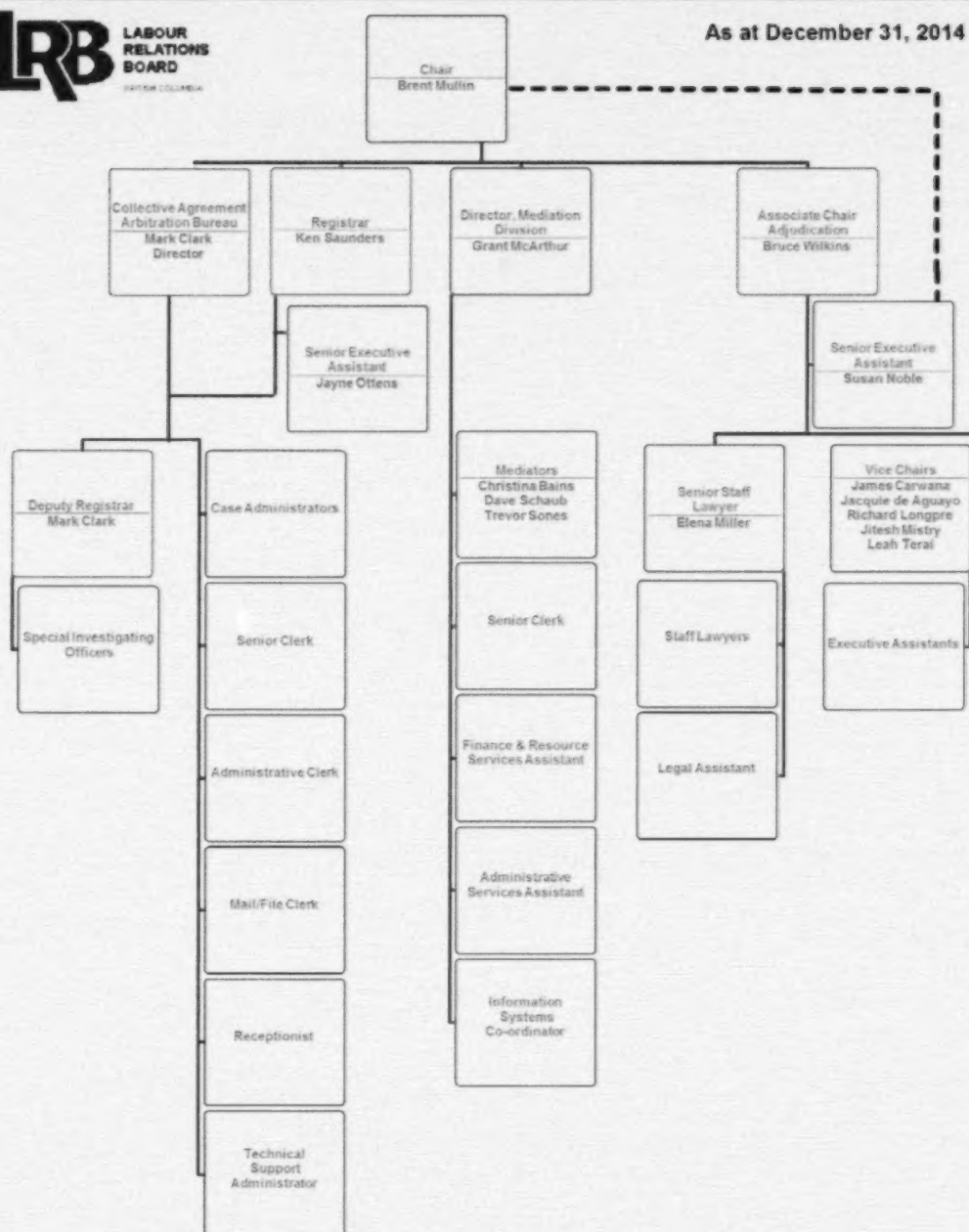
Endnotes

- i *ACFC West*, BCLRB No. B191/2005 (Leave for Reconsideration of BCLRB No. B343/2004), paras. 11-12; *William Howie*, BCLRB No. B99/2014 (Leave for Reconsideration of BCLRB No. B59/2014), referring to *Hryniak v. Mauldin*, 2014 SCC 7.
- ii *Richard Thibodeau*, BCLRB No. B115/2013 (Leave for Reconsideration of BCLRB No. B93/2013), referring to *Driver Iron Inc.*, 2012 SCC 65, and *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62.
- iii *S.L.*, BCLRB No. B231/2014 (Leave for Reconsideration of BCLRB No. B183/2014), referring to *Hryniak and Mauldin*, 2014 SCC 7.
- iv See, for instance, *Park Place Seniors Living Inc.*, BCLRB No. B215/2014, paras. 2-4.

December 31, 2014



As at December 31, 2014



I. THE BOARD

A. GENERAL OVERVIEW

The *Labour Relations Code* (the "Code") establishes the Labour Relations Board (the "Board"). The statute grants the Board exclusive jurisdiction to hear and determine applications and complaints under the Code and to make orders under the Code that it deems appropriate.

The Code governs all aspects of collective bargaining amongst the provincially-regulated employers and employees to whom the Code applies. This includes the acquisition of collective bargaining rights, the process of collective bargaining, the settlement and regulation of disputes in both the public and private sectors, and the regulation of the representation of persons by their bargaining agents. In addition to administering and enforcing the Code, the Board is charged with the responsibility for labour relations matters under several other statutes.

In carrying out its mandate, the Board must have regard to the manner in which it performs its duties under the Code. These are set out in Section 2:

2. The board and other persons who exercise powers and perform duties under this Code must exercise the powers and perform the duties in a manner that
 - (a) recognizes the rights and obligations of employees, employers and trade unions under this Code,
 - (b) fosters the employment of workers in economically viable businesses,

- (c) encourages the practice and procedures of collective bargaining between employers and trade unions as the freely chosen representatives of employees,
- (d) encourages cooperative participation between employers and trade unions in resolving workplace issues, adapting to changes in the economy, developing workforce skills and developing a workplace and a workplace that promotes productivity,
- (e) promotes conditions favourable to the orderly, constructive and expeditious settlement of disputes,
- (f) minimizes the effects of labour disputes on persons who are not involved in those disputes,
- (g) ensures that the public interest is protected during labour disputes, and
- (h) encourages the use of mediation as a dispute resolution mechanism.

In order to accomplish this expansive mandate, the Code establishes the Board's administrative structure. Section 115(1) of the Code provides that the Board shall consist of a Chair, Vice Chairs, and as many other members, equal in number, representative of employers and employees respectively, as shall be considered necessary and appointed by the Lieutenant Governor in Council. The Chair is the head of the Board. The Chair designates one of the Vice Chairs to act as Associate Chair, Adjudication, one to act as Associate Chair, Mediation and one to act as the Registrar. The Chair, along with the Associate Chair, establishes panels to proceed with applications or complaints under the Code. Panels may be composed of the Chair, Vice Chair(s), and members in accordance with Section 117(5) of the Code.

B. OFFICE OF THE CHAIR

As head of the Board, the Chair has the ultimate responsibility to oversee the administration of the Board and the Code. The Associate Chair of Adjudication, Associate Chair of Mediation, and the Registrar report directly to the Chair. The Chair may sit as a panel, either with or without Vice Chairs and/or other members. The Chair presides at proceedings of the Board and on all panels of which the Chair is a member.

C. REGISTRY

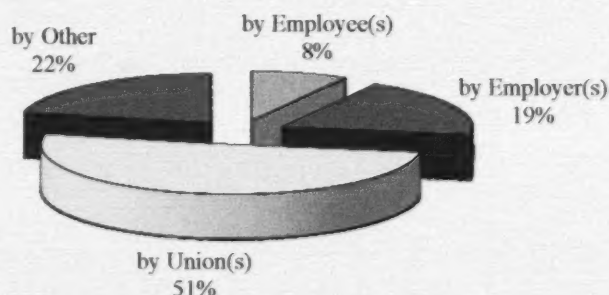
Every application received by the Board is processed through the Registrar's office. Administration and progress of each case is overseen by the Registry until the matter is finally disposed of. Three Case Administrators are responsible for initiation of applications and the conduct of files.

Processing of all applications through the Registry enables the Board to utilize computerized case monitoring/management to achieve effective and speedy processing of cases.

Legislated time frames, combined with established Board policies and procedures, result in approximately 58 percent of applications receiving expedited processing. Part 5 applications can require adjudication within 24 hours. Certain unfair labour practice complaints require commencement of a hearing within three days. Others such as certification and decertification applications are normally processed within approximately one week of receipt.

On certification and decertification applications, Case Administrators are responsible for completing all necessary procedures before files are forwarded to adjudication for a hearing. This includes written notification to parties, initiation of investigations by Industrial Relations Officers ("IROs") and requests for written submissions. Accordingly, administrative staff must be familiar with legal principles and Board case law and policies.

**2014 Applications and Complaints by
Type of Applicant**



Informal dispute resolution is an important part of the Board's operations and is used extensively during the processing of applications and complaints. Under the direction of the Deputy Registrar, cases requiring immediate informal dispute resolution are assigned to Special Investigating Officers (SIOs). The vast majority of their caseload involves expedited matters such as unfair labour practice complaints, certifications, and Part 5 applications dealing with strikes, lockouts and picketing.

Assistance by SIOs through the informal process can be obtained by the parties or the adjudicator at any stage of proceedings, including case management meetings and after formal hearings have commenced.

These informal settlement discussions are on a "without prejudice" basis. That is to say, a party cannot subsequently raise what was said in such discussions in any formal proceeding. However, settlement agreements reached on issues during the informal proceedings are binding on the parties and will be enforced by the Board.

The informal process achieves a very high success rate. As shown in Table 9 of the statistical tables, approximately 78 percent of unfair labour practice complaints and Part 5 complaints referred to SIOs are settled.

This informal dispute resolution process helps the Board and the parties make more effective use of resources and personnel, and substantially reduces the time needed to conclude cases, thus reducing expenditures. In addition, by fostering negotiated settlements between the parties, the process furthers the purposes of the Code by minimizing, where possible, decisions imposed by a third party.

Similar valuable services are provided throughout the Province by Industrial Relations Officers (IROs) of the Employment Standards Branch of the Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour. For example, every application for certification or decertification requires a report by an IRO.

Both SIOs and IROs also provide considerable assistance through written reports which may involve fact finding, narrowing the issues to be adjudicated, and interviewing individual employees and employers on a wide variety of issues.

In addition to administering the Registry, the Registrar, as a Vice Chair of the Board, may chair or sit as a member of an adjudication panel, and as a sole panel member, may dispose of certain applications where summary disposition is appropriate. This leads to the speedy disposition of many types of applications.

The Deputy Registrar has responsibility for administering the informal process and also deals with Section 12, duty of fair representation applications, most of which require additional information before the Registry can process them.

Section 122(3) of the Code requires the Board to provide an Information Officer. The Information Officer's responsibilities to date have encompassed two main areas: handling incoming inquiry calls and preparing written material for the public and the labour relations community.

The Information Officer deals with approximately 4000 phone calls and email enquiries per year from employers, unions, individual employees and media representatives.

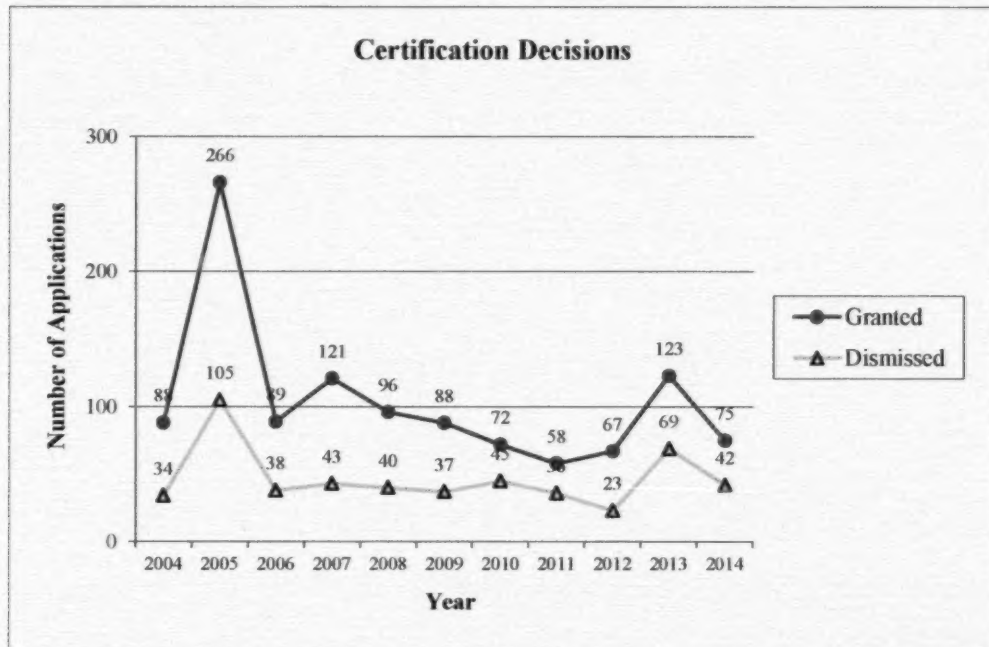
The Board's publications include the *Employer's Guide to the Union Certification Process*. This plain language guide is sent to employers along with the Notice of Certification Application, to clarify their rights and responsibilities under the Code. The same day the Information Officer sends a letter to employers who have not previously been certified, offering to answer any questions about the Code or certification procedures before the hearing date or on the morning of the certification hearing.

A companion publication, *Questions and Answers for Employees Regarding the Union Certification Process*, has been developed following an extensive consultation process with the labour relations community. It provides information to employees in plain language concerning the certification process.

Another publication prepared by the Information Officer, the Board's Practice Manual, has been in use since April, 1995.

The Board's website was officially launched in late 1999. The site includes information concerning the Board's processes, hearing schedules and recent Board decisions. The site is a work-in-progress and the Board welcomes input from the public to help improve the information provided. The website address is www.lrb.bc.ca.

The Board has also prepared a *Section 12 Guide* explaining the Board's approach to Section 12 complaints. It is available on our website under "Information Bulletins" or upon request in written form.



D. COLLECTIVE AGREEMENT ARBITRATION BUREAU

Effective July 5, 2002, and pursuant to the *Labour Relations Code Amendment Act, 2002*, the Collective Agreement Arbitration Bureau (the "Bureau") was brought under the administration of the Labour Relations Board. Pursuant to Section 83(1) of the Code, the Chair designated the Board's Deputy Registrar, Mark Clark, as Director of the Bureau.

The primary function of the Bureau is to appoint arbitrators where one of the parties seeks an expedited form of arbitration, where the parties seek consensual mediation/arbitration, or where there is a failure to appoint or constitute an arbitration board by one of the parties. In addition, the Bureau also appoints settlement officers to assist the parties in resolving grievances filed under collective agreements. The Labour Relations Board offers the services of its Special Investigating Officers ("SIOs") and Mediators as settlement officers to assist the parties in resolving the grievances prior to an arbitrator's appointment by the Bureau.

Since July 5, 2002, applications filed with the Bureau for the appointment of arbitrators and/or settlement officers are processed through the Registry of the Labour Relations Board. The Registry's Case Administrators are generally responsible for the day-to-day administrative processing of the applications, with the Director responsible for the selection/appointment of the arbitrator in each case.

The Bureau, through its Director, must also maintain a register of arbitrators. A Joint Advisory Committee, as appointed by

the Minister, must advise the Director on the training and education of arbitrators and settlement officers, research and publication of information about arbitrations, and establishment and maintenance of a register of arbitrators.

The Joint Advisory Committee comprises two representatives of unions, two representatives of employers and two representatives of arbitrators, along with the Director who is the chair of the committee.

E. ADJUDICATION DIVISION

The Adjudication Division is responsible for hearing and deciding applications brought under the Code. The Division also attempts wherever possible to settle disputes without formal adjudication through case management and alternative dispute resolution.

Issues requiring adjudication include applications for the acquisition and termination of bargaining rights; unfair labour practice complaints; duty of fair representation complaints by individual employees; common and successor employer applications; reviews of arbitration awards; complaints respecting strikes, lockouts, picketing and other conduct regulated by Part 5 of the Code, including the replacement worker and essential services provisions; and applications for reconsideration of Board decisions.

On average, close to 800 cases are adjudicated each year. A comparison of cases assigned for adjudication and adjudicated for the past several years is set out in the accompanying table. In 2014, the Adjudication Division published 232 decisions. Summaries of some of the

noteworthy decisions can be found in Section III of this Report.

A major portion of the Division's workload continues to be adjudication of expedited applications (including certifications, unfair labour practice and Part 5 applications). During 2014, expedited applications comprised about 72

percent of cases received in the Board's major adjudication areas.

As of December 31, 2014, the Board had 5 Vice Chairs and 3 Staff Lawyers.

	2005*	2006*	2007*	2008*	2009*	2010*	2011*	2012*	2013*	2014
Cases Assigned for Adjudication	823	735	815	638	679	634	734	1291	715	1021
Cases Adjudicated	1006	781	782	664	672	642	697	1344	718	1119
Cases Outstanding at Year End	233	187	220	194	201	193	230	177	174	76

* Figures adjusted after publication of LRB Annual Report for noted year(s).

F. MEDIATION DIVISION

The Mediation Division offers assistance in collective bargaining, facilitation of joint sessions which enable employers and trade unions to improve their working relationship, and collective bargaining information. The head of the Mediation Division is the Director of Mediation.

Information about the services available from the Mediation Division can be obtained via the Board's website (www.lrb.bc.ca). This information includes various practice guidelines on the sections of the Code administered by the Mediation Division.

Collective Bargaining Mediation (Sections 55 and 74)

Collective bargaining mediation involves assistance to employers and

unions to conclude the terms of first or renewal collective agreements. Mediators utilize a variety of techniques in an effort to assist the parties to reach mutual agreement. In certain cases, the mediator may issue recommendations for settlement.

Most mediation appointments are made under Section 74 of the Code and involve the renewal of existing collective agreements. A lesser number of first collective agreement mediator appointments are made under Section 55.

Section 55 is specific to first collective agreements and confers on the Mediator greater responsibility for mediation outcomes within tightly prescribed time frames. Access to this provision can only be gained if the trade union has taken a strike vote and a majority of the employees have voted in favour of a strike.

In 2014 Board mediators were appointed to 92 cases under Section 74 and

7 cases under Section 55. Mediators were also involved in 25 cases carried over from previous years.

Essential Services (Section 72)

The mediation of essential services in certain disputes involving the health, safety or welfare of the residents of British Columbia is also part of the mandate of the Mediation Division.

Conflict Management

The Mediation Division provides conflict management initiatives, not only in keeping with its mandate under the Code, but also with a view to designing individualized and relevant programs. The focus of the programs places greater emphasis on the analysis of conflict and its ongoing management in the workplace.

At the joint request of employers and trade unions, the Mediation Division consults with the parties in an effort to understand the nature and role of conflict in the parties' organization. Current methods of dispute resolution are also examined in the context of the organizational culture within which they operate. The Mediation Division works with the stakeholders to design and implement conflict management processes that focus on systemic change.

Guidelines used in the design process include: stakeholder participation, the adoption of preventative methods of alternative dispute resolution including training in interest based problem solving; the use of interest based and rights based processes; and promotion of dispute resolution throughout all levels of the organization. Openness and broad-based participation are encouraged and emphasis

is also placed on the importance of feedback and continuous self-evaluation.

Relationship Enhancement

One of the forums for exploring conflict and designing conflict management systems has been the Relationship Enhancement Program "REP". The program originally designed as a two-day exploratory retreat, has been refocused to place greater emphasis on skills in effective communication and interest based problem solving.

In a preliminary assessment, the Mediation Division determines if the parties are committed to make the changes needed in their relationship to foster a more positive climate in the workplace. The assessment is conducted through various forms of information gathering, including confidential interviews, meetings, surveys, and/or focus group discussions. Following the initial assessment, a representative sampling of the stakeholders attends a two or three-day session conducted away from the workplace. Two mediators normally facilitate the session. Participants receive skills training, identify conflicts affecting their relationship, and collectively develop strategies to address and manage the identified conflicts. These strategies take the form of written action plans with specific goals, time frames for achieving the goals and assignment of specific individuals who are responsible for ensuring that action plans are carried out.

The program has been modified to place greater emphasis on monitoring and follow up, based on research gathered in cooperation with Dr. Tom Knight at the UBC Sauder School of Business.

Labour Management Consultation Committees

Section 53 of the Code requires employers and unions to establish joint consultation committees to promote the cooperative resolution of workplace issues. Using some of the same conflict management techniques described above, the Mediation Division offers assistance to employers and unions in meeting this obligation. Assistance is offered for the establishment of new committees and/or improvement in the effectiveness of existing committees. These sessions are usually scheduled for half a day to a maximum of one day, depending on the needs of the parties.

Mediation Process Workshop

Based on broad consultations with the Labour Relations Community for the purpose of exploring avenues to enhance problem solving capacity, the Mediation Division developed a three-day workshop curriculum on mediation process.

The workshop's foundation is based on a collaborative learning model featuring multiple perspectives on subject material. Equal numbers of management and union representatives registered and, given demand, further sessions are anticipated.

G. ADMINISTRATION

Information Systems

The principal computer applications contained on the in-house computers run in the following areas: case management, word processing, office automation and end user computing, statistical collection and distribution, and computer aided research.

Finance and Administration

The Finance and Administration Department is responsible for human resource matters including recruitment, payroll and benefits administration, financial management including budget, accounts payable/accounts receivable and is also responsible for all security and facilities matters.

Office and Technical Support

All Board departments are ably assisted in the performance of their duties by various office and technical support staff. These include technical support persons, executive assistants and administrative clerk support personnel.

II. BOARD MEMBERS AND MEDIATORS

As of December 31, 2014, the Board consisted of the following members:

EXECUTIVE

BRENT MULLIN, *Chair*

Brent Mullin's education includes a B.A. from the University of Victoria, an M.A. from Queen's University at Kingston, Ontario, and an LL.B. from the University of British Columbia. From 1983 to 1992 he practised labour relations, employment and human rights law in Vancouver, British Columbia at Russell & DuMoulin (now Fasken Martineau). From 1992 to 1998 he served as a Vice Chair at the British Columbia Labour Relations Board, then returned to the practice of labour law at Fasken Martineau DuMoulin. In January 2002, he was appointed Chair of the British Columbia Labour Relations Board and in August 2002, he was also appointed Chair of the Employment Standards Tribunal.

BRUCE WILKINS, *Associate Chair, Adjudication*

Bruce Wilkins was introduced to labour relations while studying at the University of Toronto for his B.A. in philosophy. While attending the University of Toronto and working at the library, he became a steward and then the Chief Steward of CUPE Local 1230. After obtaining his B.A. he went to law school and graduated from Queens University Law School in 1997. He articulated at Victory Square Law Office, a firm which exclusively represents unions, and was called to the Bar in 1998. He worked for two years as Crown Counsel in traffic and criminal prosecutions. He returned to the labour relations community as in-house counsel for the Health Sciences Association of British Columbia, representing the union in arbitrations, Labour Relations Board proceedings and professional discipline hearings. He was appointed as a Vice Chair in May 2007. In January of 2014, he was appointed as Associate Chair, Adjudication.

KEN SAUNDERS, *Vice Chair and Registrar*

Ken Saunders obtained a Bachelor of Arts degree from Simon Fraser University in 1987 and a Bachelor of Law degree from the University of British Columbia in 1990. Following graduation, he acted as Assistant Director of the Hospitality Industrial Relations Employers' Association where he was responsible for grievance arbitration and Labour Relations Board matters. In 1996, he joined the Community Social Services Employers' Association until his appointment as a Vice Chair in October 2000. At CSSEA he headed the Dispute Resolution and Research Services Department and acted on behalf of member agencies in Labour Relations Board, Employment Standards, Human Rights and collective agreement arbitration proceedings. On October 11, 2000, Ken was appointed as a Vice Chair of the Labour Relations Board. In June 2012, he was appointed Registrar.

VICE CHAIRS

JAMES CARWANA, *Vice Chair*

James Carwana has a B.A. and LL.B. from the University of Toronto. He was called to the Bar of British Columbia in 1985 and practiced labour relations, employment, and education law in Vancouver for over 25 years. During his time in private practice, Jim represented both employers and employees while working at Campney & Murphy, Harris & Company and Coutts Pulver. Jim has acted as counsel before the Labour Relations Board, and other tribunals, and all levels of court. He was appointed as a Vice-Chair effective May 31, 2012.

JACQUIE de AGUAYO, *Vice-Chair*

Jacque de Aguayo has a B.A. and LL.B. from the University of Toronto. She was called to the bar in Ontario in 1998 and practiced labour relations, employment and constitutional law on behalf of unions and employees. In 2002, Jacque became in-house counsel for the Public Service Alliance of Canada, a national trade union. In 2010, Jacque moved to Vancouver, was called to the bar in British Columbia, and began working at the Hospital Employees' Union as Legal Director. She was later appointed as its Assistant Secretary Business Manager and Legal Director. Jacque has appeared before arbitrators, labour relations boards and courts. She was appointed as a Vice-Chair of the Board on March 14, 2014.

RICHARD LONGPRE, *Vice Chair*

Richard Longpre obtained his B.Com degree from the University of British Columbia in 1976. He bargained collective agreements for Noranda in Ontario, Saskatchewan and B.C. until 1981 when he started as a BC provincial mediator. From 1985 to 1996, he was a Vice Chair at the Labour Relations Board and Industrial Relations Council. Following a few years as an independent arbitrator and mediator, he became the Vice President of the Canadian Film and Television Producers Association in B.C. In 2001, he was appointed the Assistant Deputy Minister in the Industrial Relations Ministry. Since 2004, he consulted in various areas of labour relations including the Program Director for the B.C. Container Truck Dispute Resolution Program for the Ministry of Transportation. He was appointed Vice Chair in September 2012.

JITESH MISTRY, *Vice Chair*

Jitesh Mistry holds a B.A. and M.A. from Simon Fraser University, obtained in 1996 and 2001, respectively. In 2005, he received his LL.B. from the University of British Columbia. From 2005 to 2012, he practiced labour and employment law, human rights law and civil litigation at two established firms, Victory Square Law Office LLP and Black Gropper. At these firms, he represented and advised unions in collective agreement arbitrations, Labour Relations Board applications, human rights tribunal hearings, as well as all levels of Court. Mr. Mistry also practiced employment law in the non-unionized workforce representing both employees and employers in non-union wrongful dismissal and human rights proceedings. On January 1, 2013, he was appointed as a Vice-Chair of the Board.

LEAH TERAJ, *Vice Chair*

Leah Terai obtained a B.A. and L.L.B. from the University of British Columbia. She articulated and was called to the Bar in 1990 while working at Rankin & Company. In 1993 she began the practice of labour law with Laughton & Company, representing unions before various tribunals and at court. She was appointed as a Vice-Chair of the Board in June 2012.

MEDIATORS

GRANT MCARTHUR, *Director, Mediation Division*

Grant McArthur graduated from the University of British Columbia in 1973. He worked for the Hospital Employees' Union for approximately five years. He then joined the Labour Relations Board as a Special Investigating Officer in 1980 and left to work for Canada Post in late 1984. Grant joined B.C. Rail in 1986, where he worked in labour relations and as Manager of Personnel Services for three years prior to returning to the Board in 1992.

CHRISTINA BAINS, *Mediator*

Christina Bains is a Mediator with the British Columbia Labour Relations Board. Christina has a B.A. in Sociology from Simon Fraser University and a Human Resources Post-Diploma from the British Columbia Institute of Technology. Christina spent several years working in Employee Relations for B.C. Ferries providing direct support to approximately 1,000 employees, facilitating workshops as well as developing outreach initiatives to build relationships with various public and private sector groups on Vancouver Island and the mainland to support province wide recruitment. Christina has also spent some time with the British Columbia Post Secondary Employers' Association, the Health Employers Association of British Columbia and the British Columbia Government Employees' Union where she was involved in several public sector and private sector negotiations.

DAVID SCHAUB, *Mediator*

David Schaub is a Mediator with the B.C. Labour Relations Board. Dave worked as a National Representative for the Canadian Paperworkers Union and Communications and Energy and Paperworkers Union for twenty-two years providing services in various labour relations areas such as education, pensions and benefits plans and led negotiations in both the private and public sector. He also served on the Board of Directors for Concert Properties, Concert Infrastructure investments, ACM Investment Committee and Chair of the Pulp and Paper Industry Pension Plan. Dave joined the Labour Relations Board in the Mediation division in January of 2014.

TREVOR SONES, *Mediator*

Trevor Sones is a Mediator with the B.C. Labour Relations Board. Trevor has an Honours B.A. in Criminology with a concentration in Law from Carleton University, in addition to an M.A. in Dispute Resolution from the University of Victoria. While specializing in the field of Alternative Dispute Resolution, Trevor has published a book and a peer-reviewed journal article on the role of conflict and conflict resolution processes.

III. HIGHLIGHTS OF BOARD DECISIONS

In 2014, the Adjudication Division published 232 numbered decisions. The following are summaries of some noteworthy decisions issued during the year. These summaries are provided for interest only, and they do not constitute legal or authoritative interpretations of the decisions in question. The full text of these and other Board decisions are available on its website (www.lrb.bc.ca).

Translink Security Management Ltd., BCLRB No. B2/2014, 239 C.L.R.B.R. (2d) 245 - COPE alleged the employer had breached several provisions of the *Code* when it refused to continue bargaining with it following an application for certification by the Transit Police Professional Association (TPPA). The panel held that unless and until the Board issues an order replacing COPE with the TPPA as the exclusive bargaining agent, the employer had a statutory obligation to continue bargaining in good faith. The employer was ordered to return to collective bargaining with COPE on the dates scheduled.

Teck Coal Limited (Elkview Operations and Fording River Operation), BCLRB No. B28/2014 - The union applied under s. 99 of the *Code* for review of an interim arbitration award in which the arbitrator declined to stay the employer's implementation of a new drug and alcohol testing policy pending the arbitrator's decision on the union's grievance of the policy. The panel found the arbitrator did not misinterpret or misapply *Code* provisions or principles in deciding whether to grant the stay sought by the union. He applied a correct legal test, considered the relevant considerations in light of the parties' arguments, did not consider any irrelevant considerations, and provided a reasoned analysis for his conclusion. The application was dismissed.

Health Employers Association of British Columbia, BCLRB No. B29/2014, 241 C.L.R.B.R. (2d) 130 - PPWC applied under s. 19 of the *Code* to expand its representational base at three worksites to include additional employees who were members of larger units represented by HEU. The panel found the proposed units were not appropriate. A longstanding Board policy objective in the health sector is to rationalize bargaining unit structures, in part by fostering single "all employee" units represented by a single bargaining agent. Accordingly, the Board has curtailed the piecemeal expansion of existing smaller units on the basis that they are historical anomalies to be contained, rather than expanded at the expense of broader units. The applications were therefore dismissed.

Health Employers Association of British Columbia, BCLRB No. B31/2014, 241 C.L.R.B.R. (2d) 144 - PPWC applied under s. 19 of the *Code* to represent power engineers at one of the two locations where the IUOE represented power engineers. HEABC and IUOE objected to the appropriateness of the proposed unit on the basis that it was a partial raid of the IUOE's unit with the employer Providence Health Care Society. HEU also represented employees of the employer in the facilities subsector at the location in question. The panel found it would not be conducive to the orderly administration of the Facilities Collective Agreement to permit a third bargaining agent at that location. Accordingly the proposed unit was found not to be appropriate for bargaining and the application was denied.

Certain Employees of Sidhu & Sons Nursery Ltd., BCLRB No. B56/2014, 241 C.L.R.B.R. (2d) 1 (Leave for Reconsideration denied in BCLRB No. B78/2014, 244 C.L.R.B.R. (2d) 79) - The panel found the true wishes of the employees were unlikely to be disclosed by a vote due to improper interference by Mexican officials responsible for administering the Seasonal Agricultural Workers Program (SAWP). The evidence established there was an intention on the part of Mexican authorities responsible for administering the SAWP to block union supporters from returning to Canada in the SAWP program, and one employee had been blocked from returning to Canada because of his perceived involvement with the union. Therefore, pursuant to s. 33(6)(b) of the *Code*, the panel refused to cancel the certification of the union as the bargaining agent.

Okanagan University College, BCLRB No. B67/2014 - The union applied under s. 99 of the *Code* for review of an arbitration award which dismissed its grievance of the employer's refusal to credit term instructors for certain Teaching Load Units (TLUs) when they were on maternity or parental leave. The union had argued the failure to credit the TLUs was discriminatory but the arbitrator disagreed. In seeking review, the union alleged the arbitrator had misapplied the test for *prima facie* discrimination, among other things. The British Columbia Court of Appeal had earlier refused to hear an appeal of the award under s. 100 of the *Code*, finding it fell within the Board's jurisdiction under s. 99. The panel found the arbitrator did not deny the union a fair hearing and the award was not inconsistent with *Code* principles. The arbitrator applied the correct legal tests and there was not otherwise reviewable error such that the Board would interfere with the award under s. 99.

Translink Security Management Ltd., BCLRB No. B75/2014, 243 C.L.R.B.R. (2d) 20 - The employer and the Transit Police Professional Association objected to the original panel continuing to adjudicate the matter before him on the basis of an allegation of a reasonable apprehension of bias. They argued the original panel had given a written opinion on a legal issue before becoming an adjudicator at the Board that showed he had a strongly held view on a matter that was also an issue in this case. The original panel concluded the allegation of reasonable apprehension of bias was not meritorious. The issues in the two cases were different, and in any event Board adjudicators may sometimes decide legal issues they had previously argued when they were counsel. It is reasonably perceived that they are able to separate the two roles once they become adjudicators. The objection was dismissed.

The Government of the Province of British Columbia, BCLRB No. B79/2014, 244 C.L.R.B.R. (2d) 160 (Leave for Reconsideration denied in BCLRB No. B92/2014) - The Association of Judicial Administrative Assistants applied under s. 18 of the *Code* for certification to represent a bargaining unit of judicial administrative assistants employed by the Government at superior courts across British Columbia. The panel found that judicial administrative assistants do not have access to collective bargaining under the *Code* because they are excluded from the definition of "employee" in the *Public Service Labour Relations Act*, R.S.B.C. 1996, c. 388. Accordingly the application for certification was dismissed.

Allied Hydro Council of British Columbia, BCLRB No. B80/2014, 244 C.L.R.B.R. (2d) 241 (Leave for Reconsideration denied in BCLRB No. B125/2014) - AHC applied under the *Code* for a declaration that it had the legal authority further to its constitution and under the *Code* to negotiate and conclude a particular collective agreement on behalf of its constituent members. Certain constituent members opposed AHC's application, contending AHC did not have authority to bargain the collective agreement in question and in any event was not a "trade union" under the *Code*. The panel found AHC had trade union status under the *Code* and was authorized under its constitution and the *Code* to conclude the collective agreement in question (subject to the requirements of its constitution).

Axis Family Resources Ltd., BCLRB No. B84/2014 (Leave for Reconsideration of BCLRB No. B26/2014), 246 C.L.R.B.R. (2d) 39 - Local 1611, a constituent union member of the Community Social Services Bargaining Association (CSSBA) and Axis, an employer member of the Community Social Services Employers' Association (CSSEA) entered into a voluntary recognition agreement. CSSEA took the position that the *Community Services Labour Relations Act (CSLRA)* required Local 1611 to apply for certification in order to represent employees in the community social services sector. Local 1611 disagreed, arguing the legislation did not preclude bargaining rights being acquired in this sector by voluntary recognition. On reconsideration, the Board found there was no requirement for certification; individual unions could acquire bargaining rights by way of voluntary recognition, as long as the union and the employer agreed to become members of CSSBA and CSSEA, respectively, and to be bound by the collective agreement negotiated by the two statutory bargaining agents (CSSBA and CSSEA).

Haakon Industries (Canada) Ltd., BCLRB No. B87/2014, 248 C.L.R.B.R. (2d) 1 - The employer applied under s. 78 of the *Code* for a last offer vote. The union objected on the basis that the employer had already asked for a last offer vote in the same dispute and therefore, under s. 78(5), could not have another. The employer submitted s. 78(5) did not apply because the previous vote had not been counted. The panel found that where a last offer vote is not counted because that last offer was contrary to the *Code*, or because the vote was defective, the vote itself is a nullity. This means the vote is taken not to have occurred. Consequently a "second" vote pursuant to a subsequent s. 78 application which is not contrary to the *Code* is not statute barred.

William Howie, BCLRB No. B99/2014 (Leave for Reconsideration of BCLRB No. B59/2014) - The Board noted that in *Hryniak v. Mauldin*, 2014 SCC 7 at para. 24, the Court held that undue process and protracted trials, with unnecessary expense and delay, can prevent the fair and just resolution of disputes. The Board stated that the Court's approach in *Hryniak* "is, if anything, even more applicable and appropriate in the quasi-judicial context of an administrative tribunal like the Board" (para. 33). Applying this approach, the panel found in the circumstances of this case it was not appropriate to require further proceedings in the matter.

Monashee Manufacturing Corporation Ltd., BCLRB No. B107/2014, 245 C.L.R.B.R. (2d) 236 - The panel found the employer committed an unfair labour practice when it held a meeting on employer time with bargaining unit employees and asked them to fill out a survey asking whether they preferred to be in a union or non-union company.

Border Dispatch & Contracting Ltd., BCLRB No. B114/2014, 246 C.L.R.B.R. (2d) 158 - The employer alleged the union breached s. 11 and s. 47 of the *Code* when the union terminated its voluntary recognition agreement (VRA) and relationship with the employer and refused to engage in bargaining with it. The VRA gave the union the right to unilaterally terminate the agreement and bargaining relationship on 30 days' notice. The panel found the union could rely on that provision and was under no obligation to bargain with the employer after it exercised its right to terminate the agreement. The union had terminated the agreement because the employer had persistently not complied with the requirements of the collective agreement, including by failing to provide proper remittances to the union. The panel found the union was not obliged to bargain with the employer after the agreement had been terminated.

Ikea Canada Limited Partnership, BCLRB No. B136/2014, 246 C.L.R.B.R. (2d) 185 (Leave for Reconsideration denied in BCLRB No. B158/2014, 249 C.L.R.B.R. (2d) 136) - An employer who offers terms and conditions to striking employees in excess of what it has offered to the union in bargaining, even if those terms and conditions are only for the duration of the strike, is in violation of the requirement to bargain in good faith. The fact there is an ongoing labour dispute does not extinguish the requirement to bargain in good faith.

Sunrise Poultry Processors Ltd., BCLRB No. B154/2014 (Leave for Reconsideration of BCLRB No. B95/2014) - On reconsideration, the Board found the question of whether grievors and witnesses should be named in awards and the applicability of *PIPA* to arbitrators under the *Code* is a matter or issue of the general law not included in s. 99 of the *Code*.

Ikea Canada Limited Partnership, BCLRB No. B155/2014, 249 C.L.R.B.R. (2d) 148 - The union applied for a declaration that the employer was bargaining in bad faith and was in breach of the *Code* by taking to impasse a "no reprisal" clause in relation to 35 persons who were expelled from the union for violating the Union's Constitution and By-Laws. The panel dismissed the application, finding the timing of the employer's proposals on union security was an understandable response to changed circumstances and did not involve an unfair labour practice.

Sunlover Holding Co. Ltd., BCLRB No. B160/2014 (Leave for Reconsideration denied in BCLRB No. B196/2014) - Canadian Owner-Operator Workers' Association, Local 2001 (COOWA) applied under s. 19 of the *Code* for a bargaining unit of employees represented by Unifor. Unifor objected to the application on the basis it was filed during a strike and COOWA had failed to obtain the Board's consent as required by s. 19(3) of the *Code*. COOWA argued Unifor's strike was not in effect at the time of its application. The panel held that once Unifor had triggered and thus crystallized its strike or lockout option, it could rely on that crystallization to implement further strike or lockout action throughout the course of the collective bargaining dispute. This meant the strike was in effect and consent of the Board was required.

David Curtis, BCLRB No. B180/2014, 249 C.L.R.B.R. (2d) 231 - Curtis applied under s. 35 of the *Code* for a declaration that a successorship had occurred. His application was opposed by all parties involved, including his union, which had decided not to make a successorship application. The panel found it would be inconsistent with the union's exclusive bargaining agency under the *Code* to permit Curtis to seek a successorship declaration that his union had decided not to seek.

Park Place Seniors Living Inc., BCLRB No. B215/2014 - The panel sought submissions from the parties on the prospect of entering evidence-in-chief by will-say statements (detailed sworn witness statements with documents). After hearing and considering the parties' submissions, the panel ordered all evidence-in-chief to be entered by will-say statements. The parties had prepared lengthy initial submissions, and the document-intensive nature of the expected evidence would likely take a considerable amount of time to enter by way of oral evidence. The witnesses would still be subject to cross-examination and re-examination.

not apply just in extreme cases but generally. What that means in any particular matter will depend on the circumstances in that case.

RCL South Burnaby Branch 83 Housing Society doing business as The Poppy Residences, BCLRB No. B221/2014 - The employer applied to have the Board declare a certification vote "null and void" and order a new vote on the ground that certain conduct when the ballots were counted led to the inadvertent disclosure of how one employee voted. The panel found disclosure of how someone voted does not automatically invalidate a vote. In this case, the conduct which led to the disclosure occurred at the behest of the employer. The panel was satisfied the vote reflected the true wishes of the employees and the conduct did not affect the result. In these circumstances, the panel declined to declare the vote "null and void" and order a new vote.

S.L., BCLRB No. B231/2014 (Leave for Reconsideration of BCLRB No. B183/2014) - In dismissing a lengthy application for leave and reconsideration, the Board held that, to meet its duties under s. 2 of the *Code*, the Board's processes must be proportionate. A key aspect of proportionality is that the amount of time, process, and expense incurred by the parties and the Board in dealing with a matter be commensurate with the significance of the case. The requirement of proportionality does

IV. COURT DECISIONS

1. *Health Sciences Association of British Columbia v. British Columbia (Labour Relations Board)*, 2014 BCSC 23 - The Petitioner applied for judicial review of a decision denying leave for reconsideration, arguing that the Board's failure to provide reasons pursuant to its approach in *RG Properties Ltd.*, BCLRB No. B378/2003 (Leave for Reconsideration of BCLRB No. B252/2003) ("*RG Properties*") was a breach of procedural fairness or patently unreasonable. The Petitioner also argued the *RG Properties* approach was inconsistent with *United Steelworkers, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 2009 v. Auyeung*, 2011 BCCA 527 ("*Auyeung*"). The Court held that the *RG Properties* approach was neither a breach of procedural fairness nor patently unreasonable; it was not overturned in *Auyeung*; and it is an approach the Board is entitled to adopt. The Court also dismissed the Petitioner's argument with respect to the application of the *RG Properties* approach in the particular circumstances of this case. It held that if the Board has jurisdiction and authority not to give detailed reasons for denying leave for reconsideration, then it has jurisdiction and authority not to give such reasons on any particular application. Accordingly, the petition was dismissed.
2. *United Mexican States v. British Columbia (Labour Relations Board)*, 2014 BCSC 54 - The United Mexican States and Consulado General de Mexico ("*Mexico*") applied for judicial review of a decision of the Board, alleging the Board erred in failing to give effect to certain sovereign privileges and immunities when deciding whether to disregard a decertification vote due to alleged improper interference. The Court

dismissed the petition, finding the Board was correct in concluding that:

(a) s. 3(1) of the *State Immunity Act*, R.S.C. 1985, c. S-18 did not preclude the Board from considering Mexico's conduct in the course of determining whether the decertification application should be dismissed, in accordance with s. 33(6)(b) of the *Code*, on the basis that the representation vote is unlikely to disclose the true wishes of the employees due to improper interference, and

(b) it could consider voluntary testimony of former consular employees of Mexico about the internal Mexican administration of the SAWP in the course of doing so.

3. *International Forest Products Limited v. British Columbia (Labour Relations Board)*, 2014 BCSC 956 - The Court dismissed a petition for judicial review filed by Interfor seeking review of the Board's decisions denying Interfor's ss. 99 and 141 applications. The s. 99 decision related to an Award of Arbitrator Donald R. Munroe Q.C. who found that certain individuals were employees of Interfor for the purposes of the collective agreement, notwithstanding a statement in an agreed statement of facts which Interfor argued was determinative to the contrary. The original panel dismissed the s. 99 application. The reconsideration panel denied leave for reconsideration. On judicial review, the petitioner argued that the standard of review was fairness, arguing the Board had acted unfairly when it failed to conclude that the Arbitrator acted unfairly in the way he treated the agreed statement of facts. The Court found that this was an indirect challenge to the arbitration decision and an invitation to challenge the Board's decision on a standard of correctness. As there was no allegation relating to fairness

in the process before the Board, the appropriate standard was patent unreasonableness. The Court found that the decision was not patently unreasonable and dismissed the petition.

4. *Bjordal v. The Labour Relations Board of British Columbia*, 2014 BCSC 1248 - Mr. Bjordal applied for judicial review of the Board's decision dismissing his s. 12 complaint and its decision denying leave for reconsideration. Among other things, Mr. Bjordal argued the Board erred in relying on *James W.D. Judd*, BCLRB No. B63/2003, 91 C.L.R.B.R. (2d) 33 ("*Judd*") and *RG Properties*. The Court held that, in light of previous decisions of the Court of Appeal and the B.C. Supreme Court, it was not open to the Court to question the Board's reliance on *Judd*, nor to re-examine *RG Properties*. The Court found the Board's decision was not patently unreasonable and the petition for judicial review was dismissed.
5. *Community Social Services Employers' Association of B.C. (Re)*, 2014 BCSC 1719 - Axis Family Resources Ltd. applied to the Court for an order staying the Board's decision and proceedings until the Court addressed CSSEA's application for judicial review of the Board's decisions which found that as a result of Axis' voluntary recognition of Local 1611 it was bound by a collective agreement. The Court considered whether the first test for a stay, which concerns the strength of the applicant's case on the merits, was different from the one in *RJR-MacDonald v. Canada (Attorney General)*, [1994] 1 S.C.R. 311 where decisions of the Labour Relations Board under its privative clause are in issue. The Court held in the affirmative: an applicant seeking to stay a decision of the Board must show a strong *prima facie* case or a serious argument that the Board's decision is patently unreasonable. The Court held that test was not met in this case. Accordingly, the application for a stay was denied.
6. *Canadian Union of Public Employees, Local 338 v. City of Kelowna and Labour Relations Board* (Supreme Court - Vancouver Registry No. S-145218) Oral Reasons rendered December 4, 2014 - The Court dismissed the Union's application for judicial review of the Board's decision dismissing its application under s. 99 for review of an arbitration award.
7. *Pacific Newspaper Group Inc. v. Communications, Energy and Paperworkers Union of Canada, Local 2000*, 2014 BCCA 496 - Pacific Newspaper Group ("PNG") appealed from a decision of the B.C. Supreme Court dismissing its application for judicial review of the Board's decision concerning its jurisdiction and discretion not to issue a declaratory opinion under s. 70 of the *Code*. PNG argued the Board's decision was patently unreasonable. PNG also argued that the meaning of "patently unreasonable" in the *Administrative Tribunals Act*, S.B.C. 2004, c. 45 was affected by *Dunsmuir v. New Brunswick*, 2008 SCC 9 ("*Dunsmuir*"), and that the Board did not have standing to address that issue on judicial review. The Court held that: the meaning of "patently unreasonable" was not affected by *Dunsmuir*; the Board did have standing to address that issue on judicial review; and the Board's decision was not patently unreasonable. Accordingly, the appeal was dismissed.

V. 2014 STATISTICAL TABLES

DESCRIPTION		
EXPLANATORY NOTES TO TABLES		21
TABLE 1	Applications and Complaints Filed and Disposed of in 2013-2014	24
	(Chart 1: Applications and Complaints Filed in 2014).....	30
TABLE 1A	Certification Applications and Certification Cancellations Under s.33(2)	
	Granted in 2014 – Analyzed by Industry.....	31
	(Charts 1A & 1B: Certification Applications Granted – Number of Applications and Number of Employees by Type of Industry).....	32
	(Charts 1C & 1D: Certification Cancellations Under s.33(2) Granted – Number of Applications and Number of Employees by Type of Industry) ...	33
TABLE 1B	Certification Applications and Certification Cancellations Under s.33(2) Filed / Granted in 2014 – Analyzed by Union	34
TABLE 2	Certification Applications and Certification Cancellations Under s.33(2) Filed / Decided in 2014	36
	(Certification Decisions Line Chart)	4
TABLE 2A	Certification Applications and Certification Cancellations Under s.33(2) Granted in 2014 – Analyzed by the Size of the Bargaining Unit	37
	(Chart 2A: Certification Applications).....	38
	(Chart 2B: Certification Cancellations Under s.33(2))	38
TABLE 2B	Certification Applications Granted Between 1991 and 2014 by Size of the Bargaining Unit	39
TABLE 3	Applications to Cancel Certifications Disposed of in 2013 and 2014.....	40
TABLE 4	Reconsiderations Disposed of in 2014	41
	(Chart 4: Types of Applications Being Reconsidered)	42
TABLE 5	"Success" Rate of Reconsiderations Disposed of Between 2004 and 2014	43
	(Chart 5)	44
TABLE 6	"Success" Rate of Reviews of Arbitration Awards Disposed of Between 2004 and 2014	43
	(Chart 6)	44
TABLE 7	Applications and Complaints Filed in 2014 – Analyzed by Applicant Type	45
	(Applicant Pie Chart)	2
TABLE 8	Time Required to Process Certain Applications Disposed of in 2014	47
TABLE 9	Officer Assignments Completed in 2014	48
TABLE 10	Requests For Automatic Certification Pursuant to Section 14(4)(f) of the <i>Labour Relations Code</i> (Previously Section 8(4)(e) of the <i>Labour Code</i> and the <i>Industrial Relations Act</i>) as a Result of an Alleged Unfair Labour Practice Violation (Years 1977 to 2014)	49
	(Chart 10: Requests for Automatic Certification Filed and Granted)	50
TABLE 11	Complaints Regarding Duty of Fair Representation Disposed of Between 2004 and 2014	51
	(Chart 11: Duty of Fair Representation Decisions)	51

EXPLANATORY NOTES TO TABLES

The following tables provide an analysis of the applications filed and disposed of in 2014. In some cases, statistics from 2013 and other years are provided for comparative purposes.

As of 2005 Table 1 of the *LRB Annual Report* includes applications and complaints "Filed Previous" and "Remainder Active". These figures help provide an overview of the active or current caseload at the Labour Relations Board.

Statistical Tables Definitions:

- **Application / Complaint:** a section or subsection of the *Labour Relations Code*. A 'case' may be comprised of more than one application or complaint (section);
- **Filed in Previous Year(s):** count of applications / complaints received sometime prior to the report period and not yet disposed of at January 1 of the report period;
- **Filed in Current Year:** count of applications / complaints received in the report period;
- **Disposed of - Current:** count of applications / complaints with a final disposition in the report period (includes applications / complaints Not Proceeded With, Withdrawn, Settled, Granted, Dismissed and Other);
- **Open at Year End:** count of applications / complaints received sometime during or prior to the report period and open (not yet disposed of) at the end of the report period. These applications / complaints may be counted as Filed in Current Year or Filed in Previous Year(s), as applicable (same as column heading for 2005-2007 reports: Remainder Active).

A number of other changes have been made during past years in the statistical base used in some of the categories in Table 1. The changes have been summarized as follows for reference (in date order with most recent appearing first).

Requests for Appointment of a Facilitator

Applications to appoint a Facilitator under Section 53 are counted as applications for the first time in the 2008 Annual Report (see Table 1: "Applications and Complaints Filed and Disposed of"). These applications have been processed by the

Board/Council prior to 2008 but have not appeared in the Annual Report Tables until now.

Changes in Report Tables

Tables available in previous years regarding vote information for representation applications, details of Part 5 applications, and details of Mediation Officer appointments were taken out of the Annual Report in 2004. Certification cancellation information (s.33(2)) was added to tables 1A, 1B, 2 and 2A as of 2004. Other information previously included in Table 1 footnotes has been moved to related tables for ease of reference and readability.

Applications for Collective Agreement Arbitration

The Labour Relations Board assumed the processing of these applications from the Collective Agreement Arbitration Bureau in mid-2002; however, due to technical and procedural considerations, applications under Sections 86, 87, 104 and 105 ("CAAB" applications) were counted in the Board's statistics only if received on or after January 1, 2003 (i.e., any 'outstanding' CAAB applications at the end of 2002 are not included in the Board's statistics).

Requests for Appointment of a Mediator

Applications to appoint a mediator under Section 74 were counted as applications for the first time in the 2002 Annual Report (see Table 1: "Applications and Complaints Filed and Disposed of"). These applications were processed by the Board/Council prior to 2002 but appeared only in the "Analysis of Mediator Appointments" Table for those years.

Complaints of Unfair Labour Practices

Prior to 1989, complaints under Sections 2 or 3 (now Sections 5 or 6) of the legislation were not broken down by sub-section. From 1989 to 1996, complaints under each particular sub-section were counted as one complaint.

In 1996, the Board decided to revert to the pre-1989 method of counting these complaints. The change affects the statistics published as Sections 2,3 and 4 of the *Industrial Relations Act* and Sections 5,6,7 and 9 of the *Labour Relations Code*. The following table displays the statistics as they were published and as they would have been under the pre-1989 method of counting (rev).

Type of Application	NUMBER OF APPLICATIONS OR COMPLAINTS									
	Year	Filed	Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other	Hearing Held
Other Unfair Labour Practice Complaints (ss.5,6,7 and 9 of the Labour Relations Code or ss.2,3, and 4 of the Industrial Relations Act)	1995	825	909	26	0	573	192	118	0	449
	1995 (rev)	488	529	25	0	338	97	69	0	221
	1994	899	831	9	0	586	136	100	0	362
	1994 (rev)	513	467	9	0	326	74	58	0	176
	1993	748	676	3	0	440	134	99	0	331
	1993 (rev)	422	390	2	0	249	73	66	0	177
	1992	416	345	0	0	205	108	32	0	176
	1992 (rev)	228	185	0	0	112	54	19	0	83
	1991	346	370	0	0	241	92	37	0	NP
	1991 (rev)	187	199	0	0	135	44	20	0	
	1990	386	388	5	0	220	100	63	0	NP
	1990 (rev)	229	225	3	0	124	62	36	0	
	1989	209	177	0	0	96	47	34	0	NP
	1989 (rev)	123	118	0	0	61	36	21	0	

NP --Not Published

Stay Applications

Applications for a Stay of proceedings were counted as applications for the first time in 1993 (see Table 1: "Applications and Complaints Filed and Disposed of"). A footnote has been added to the Miscellaneous category to facilitate comparisons over time. In previous years, these applications were not counted.

For an Interpretation of the Legislation as it Applies to the Collective Bargaining Relationship

Prior to 1989, an application regarding the inclusion or exclusion of employees from a bargaining unit was counted as one application for each employee in question if a ruling was made; if the application was withdrawn, it was counted as one application regardless of the number of employees

involved. From 1989 on, an application regarding the inclusion or exclusion of employees is counted as one application regardless of the number of employees in question and regardless of whether or not a ruling is made.

categories of applications and among applications in the same category. The work content of the administrative, investigative and decision-making functions can vary widely as well, from category to category and from application to application.

To File an Order in the Supreme Court

Applications to file orders in the Supreme Court were counted as applications for the first time in 1989 (see Table 1: "Applications and Complaints Filed and Disposed of"). These applications had been processed by the Board/Council since 1974 but were not registered or counted prior to 1989.

For an Order or Opinion Pertaining to Applications Pursuant to Part 5 (Strikes, Lockouts, Picketing, etc.)

Prior to 1988, each application under Part 5 was counted as one application, regardless of the sections cited. One application could cover, for example, a strike or a picket or a combination of both. From 1988 on, each section and sub-section of Part 5 is counted as a separate application.

GENERAL NOTES

For the convenience of users, the following is a brief description of some of the disposition codes used in Table 1.

- Applications and complaints granted include those where an order is issued, whether a regular order or a consent order. If an application is partially granted, it is included in this category.
- Applications and complaints dismissed include those where no violation is deemed to have occurred, where the application does not conform to statutory or regulatory time limits or where it is determined no further action is warranted.
- Applications and complaints not proceeded with include only those where the applicant has not supplied the Board with sufficient information to process the application. The application is returned but the applicant is free to reapply.
- Complaints that do not require a decision from the Board are designated settled including cases for which the applicant submits a withdrawal.

It is important to note when using these statistics that the work content embodied in individual applications varies widely, both among different

**TABLE 1: Applications and Complaints Filed and Disposed of in 2014
(including comparative figures for 2013)**

Type of Application / Complaint	Year	Filed in Previous Year(s)	Filed in Current Year	Disposed of - Current							Open at Year End	Hearing Held
				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other		
Complaints of Unfair Labour Practices												
<i>Complaints Regarding Internal Union Affairs (s.10)</i>	2014	3	3	4	1	0	3	0	0	0	2	0
	2013	2	5	4	0	0	0	0	4	0	3	0
<i>Complaints Regarding Duty to Bargain in Good Faith (s.11)</i>	2014	7	27	30	0	0	17	4	9	0	4	6
	2013	17	26	36	0	0	29	5	2	0	7	8
<i>Complaints Regarding Duty of Fair Representation (s.12)</i>	2014	13	70	67	25	0	1	1	40 ¹	0	16	0
	2013	14	54	55	10	0	0	1	44 ²	0	13	1
<i>Other Unfair Labour Practice Complaints (ss. 5 - 9)³</i>	2014	46	162	175	5	0	109	20	41	0	33	51
	2013	52	138	144	1	0	122	5	16	0	46	25
Religious Exemption (s.17)	2014	0	5	5	0	1	0	4	0	0	0	0
	2013	1	6	7	0	0	0	6	1	0	0	1
Certification Applications (ss.18, 19 and 28)	2014	33	153	155 ⁴	0	38	0	75	42	0	31	147
	2013	60	198 ⁵	225	2	31	0	123	69	0	33	166
Certification Variances (ss.28 and 142)	2014	39	158 ⁶	170 ⁷	3	9	0	149	9	0	27	41
	2013	22	180 ⁸	163 ⁹	6	26	0	119	12	0	39	51

¹ 21 of the 40 dismissed complaints filed under the *Labour Relations Code* were dismissed because no *prima facie* case was found.² 25 of the 44 dismissed complaints filed under the *Labour Relations Code* were dismissed because no *prima facie* case was found.³ In 1996, the Board changed the method of counting complaints under Sections 5 and 6 of the *Labour Relations Code*. Figures in this category reported prior to 1996 cannot be compared to figures in this category reported from 1996 to present.⁴ Includes two raid applications to expand the bargaining unit of an existing certification: two dismissed.⁵ Includes two raid applications to expand the bargaining unit of an existing certification.⁶ Includes six partial decertification applications.⁷ Includes six partial decertification applications. See TABLE 3.⁸ Includes 14 partial decertification applications.⁹ Includes 15 partial decertification applications. See TABLE 3.

**TABLE 1: Applications and Complaints Filed and Disposed of in 2014
(including comparative figures for 2013)**

Type of Application / Complaint	Year	Filed in Previous Year(s)	Filed in Current Year	Disposed of - Current							Open at Year End	Hearing Held
				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other		
Certification Cancellations (ss.33 and 142) ¹	2014	8	25	30	3	3	0	16	8	0	3	26
	2013	6	48	46	5	3	0	30	8	0	8	33
Cancellation of a Voluntary Recognition (s.34)	2014	1	7	5	0	2	0	2	1	0	3	5
	2013	2	4	5	0	2	0	3	0	0	1	5
Permission to Alter Conditions of Employment (ss.32 and 45)	2014	0	1	1	0	0	0	1	0	0	0	1
	2013	0	1	1	0	0	0	1	0	0	0	0
Alleged Unlawful Alteration of Employment Terms and Conditions (ss.32 and 45)	2014	4	19	16	0	0	15	0	1	0	7	4
	2013	3	13	12	0	0	10	0	2	0	4	1
Declaration of Successor Status												
<i>Successor Employer (s.35)</i>	2014	14	51	54	0	5	0	45	4	0	11	5
	2013	7	60	53	2	7	0	37	7	0	14	2
<i>Successor Union (s.37)²</i>	2014	21	31	51	0	0	0	51 ³	0	0	1	0
	2013	1	31	11	0	1	0	10	0	0	21	0
Common Employer (s.38)	2014	3	16	16	0	5	0	8	3	0	3	5
	2013	9	10	16	0	11	0	2	3	0	3	3
Accreditation Applications (s.43)	2014	0	1	1	0	0	0	1	0	0	0	0
	2013	0	0	0	0	0	0	0	0	0	0	0

¹ See TABLE 3.² The workload required to process applications in this category varies widely. The Board may receive one application per collective bargaining relationship or one application covering several collective bargaining relationships. This report reflects the number of applications filed and disposed of regardless of the number of collective bargaining relationships affected by those applications (any notable discrepancies are listed below).³ 51 applications granted affecting 465 collective bargaining relationships.

**TABLE 1: Applications and Complaints Filed and Disposed of in 2014
(including comparative figures for 2013)**

Type of Application / Complaint	Year	Filed in Previous Year(s)	Filed in Current Year	Disposed of - Current							Open at Year End	Hearing Held
				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other		
Accreditation Variances (ss.43 and 142)	2014	1	1	1	0	0	0	1	0	0	1	0
	2013	1	3	3	0	0	0	3	0	0	1	0
Accreditation Cancellations (s.142)	2014	0	0	0	0	0	0	0	0	0	0	0
	2013	0	0	0	0	0	0	0	0	0	0	0
Alleged Failure to Execute or Comply with a Collective Agreement (s.49)	2014	5	10	13	0	0	5	4	4	0	2	2
	2013	1	12	8	0	0	5	2	1	0	5	0
Facilitator (s.53(5))	2014	6	14	15	0	0	0	n/a	n/a	15 ¹	5	0
	2013	14	16	24	0	0	0	n/a	n/a	24 ¹	6	0
First Collective Agreement (s.55) ²	2014	3	7	9	0	1	7	n/a	n/a	1 ³	1	0
	2013	0	7	4	0	0	3	n/a	n/a	1 ⁴	3	0
Appointment of a Mediation Officer (s.74) ²	2014	22	92	90	0	0	88	n/a	n/a	2 ⁵	24	0
	2013	32	96	106	1	2	95	n/a	n/a	8 ⁶	22	0

¹ Facilitator appointed.² The method of coding applications in these two categories changed in 2009 (a) when an application is received under the First Collective Agreement provisions of the *Code* and a Mediation Officer was previously appointed under s. 74, the s. 74 case is disposed of as withdrawn (previously coded as other); and (b) when the parties agree to settle matters by way of mediation-arbitration or arbitration, the case is disposed of as settled (previously disposed of as other or settled).³ For one case, the parties were allowed to exercise their right to strike or lockout.⁴ For one case, the parties were allowed to exercise their right to strike or lockout.⁵ For one case, no agreement reached; and for one case, the unit was decertified.⁶ For three cases, no agreement reached; for four cases, the unit was decertified; and for one case the business closed.

**TABLE 1: Applications and Complaints Filed and Disposed of in 2014
(including comparative figures for 2013)**

Type of Application / Complaint	Year	Filed in Previous Year(s)	Filed in Current Year	Disposed of - Current							Open at Year End	Hearing Held
				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other		
Collective Agreement Arbitration Bureau (CAAB)¹												
<i>Section 86 (Appointment of Arbitrator)</i>	2014	8	48	49	0	18	3	n/a	n/a	28 ²	7	n/a
	2013	10	58	60	0	28	1	n/a	n/a	31 ²	8	n/a
<i>Section 87 (Appointment of Settlement Officer)</i>	2014	3	22	24	1	6	11	n/a	n/a	6 ³	1	n/a
	2013	6	25	28	1	5	21	n/a	n/a	1 ³	3	n/a
<i>Section 104 (Appointment of Arbitrator)</i>	2014	3	189	183	0	39	14	n/a	n/a	130 ⁴	9	n/a
	2013	11	184	192	1	45	15	n/a	n/a	131 ⁴	3	n/a
<i>Section 105 (Appointment of Mediator-Arbitrator)</i>	2014	0	1	0	0	0	0	0	0	0 ⁵	1	n/a
	2013	1	4	5	1	0	0	n/a	n/a	4 ⁵	0	n/a
Combined CAAB Sections	2014	14	260	256	1	63	28 ⁶	n/a	n/a	164	18	n/a
	2013	28	271	285	3	78	37 ⁷	n/a	n/a	167	14	n/a
Part 5 Applications (Strikes, Lockouts, Picketing, etc.) (ss.57-67 and ss.69-70)	2014	6	134	131	0	0	20	99	12	0	9	47
	2013	12	48	54	0	0	31	15	8	0	6	28

¹ These applications were included in the *LRB Annual Report* for the first time in 2003. Beginning in 2004, figures for individual sections as well as the combined totals for CAAB (ss.86, 87, 104, 105) are included in this report. In general, for this category, Withdrawn indicates withdrawal / settlement prior to any appointments and Settled indicates withdrawal / settlement subsequent to the appointment of a Settlement Officer but prior to appointment of an Arbitrator. See individual section notes regarding Other dispositions.

² Arbitrator appointed (recorded in previous 2004 and 2003 reports as Granted).

³ Matter referred back to the parties under Section 87(3).

⁴ Arbitrator appointed (recorded in previous 2004 and 2003 reports as Granted). For 24 cases in 2014 and 15 cases in 2013, a Settlement Officer was appointed in addition to an Arbitrator.

⁵ Mediator-Arbitrator appointed.

⁶ A Settlement Officer was appointed for 60 CAAB applications disposed of in 2014: 28 disposed of as Settled and 32 disposed of as Other. Of these 60 applications, 41 (68%) resulted in full and final settlement.

⁷ A Settlement Officer was appointed for 53 CAAB applications disposed of in 2013: 37 disposed of as Settled and 16 disposed of as Other. Of these 53 applications, 44 (83%) resulted in full and final settlement.

**TABLE 1: Applications and Complaints Filed and Disposed of in 2014
(including comparative figures for 2013)**

Type of Application / Complaint	Year	Filed in Previous Year(s)	Filed in Current Year	Disposed of - Current							Open at Year End	Hearing Held
				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other		
Replacement Workers (s.68)	2014	1	3	4	0	0	2	2	0	0	0	2
	2013	2	7	8	0	0	3	4	1	0	1	6
Essential Service Designations (s.72)	2014	6	425	429	0	0	11	418	0	0	2	4
	2013	8	25	27	0	0	17	10	0	0	6	3
Last Offer Vote (s.78)	2014	0	11	11	0	0	0	11 ¹	0	0	0	0
	2013	1	15	16	0	1	0	15 ²	0	0	0	0
Review of Arbitration Award (s.99)	2014	11	31	33	1	3	0	1	28	0	9	1
	2013	4	22	15	0	1	0	1	13	0	11	1
Interim Order (s.133(5))	2014	2	7	5	0	3	0	1	1	0	4	2
	2013	1	15	10	0	6	0	2	2	0	6	5
File an Order in Supreme Court (s.135)	2014	3	75	70	0	34	0	36	0	0	8	0
	2013	3	21	21	0	10	0	11	0	0	3	0
Interpretation of the Legislation as it Applies to the Collective Bargaining Relationship (s.139)	2014	52	28	70	1	10	0	0	0	59 ³	10	41
	2013	60	38	46	2	17	0	0	0	27 ³	52	10
Reconsideration of a Decision (s.141)	2014	7	53	57	0	2	0	14	41 ⁴	0	3	0
	2013	13	41	47	0	3	0	14	30 ⁵	0	7	0

¹ In four cases the final offer was accepted; and in seven cases the final offer was rejected.² In three cases the final offer was accepted; in 10 cases the final offer was rejected; in one case the application was withdrawn prior to the vote; and in one case the ballots were not counted: BCLRB B185/2013.³ Ruling made.⁴ For 39 of the 41 applications dismissed in 2014, leave to apply was denied.⁵ For 27 of the 30 applications dismissed in 2013, leave to apply was denied.

**TABLE 1: Applications and Complaints Filed and Disposed of in 2014
(including comparative figures for 2013)**

Type of Application / Complaint	Year	Filed in Previous Year(s)	Filed in Current Year	Disposed of - Current							Open at Year End	Hearing Held
				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other		
Declaratory Opinion (excluding Declaratory Opinions Pertaining to Part V of the Legislation) (s.143)	2014	0	5	5	0	3	0	1	1	0	0	0
	2013	3	5	8	0	2	0	4	2	0	0	3
Miscellaneous	2014	19	77 ¹	84 ²	0	10	18	31	25	0	12	17
	2013	29	85 ³	95 ⁴	1	5	36	37	16	0	19	13
Total	2014	350	1962	2063	40	192	324	996	270	241	249	407⁵
	2013	404	1501	1555	33	206	388	460	241	227	350	365⁶

NOTE: The sections quoted are from the *Labour Relations Code* unless otherwise indicated.

¹ Includes 12 stay applications.

² Includes 12 stay applications (two were granted; nine were dismissed and one was withdrawn).

³ Includes seven stay applications.

⁴ Includes eight stay applications (one was granted; seven were dismissed).

⁵ 407 applications disposed of in 2014 were heard sometime during the process. In 2014, the Board held 245 hearings (including 187 expedited hearings to deal with certification, expanded bargaining unit, and decertification applications), some of which dealt with multiple applications and for some of which, the applications had not been disposed of by the end of 2014.

⁶ 365 applications disposed of in 2013 were heard sometime during the process. In 2013, the Board held 326 hearings (including 264 expedited hearings to deal with certification, expanded bargaining unit, and decertification applications), some of which dealt with multiple applications and for some of which, the applications had not been disposed of by the end of 2013.

**Chart 1: Number of Applications and Complaints FILED in 2014
by Type of Application/Complaint**

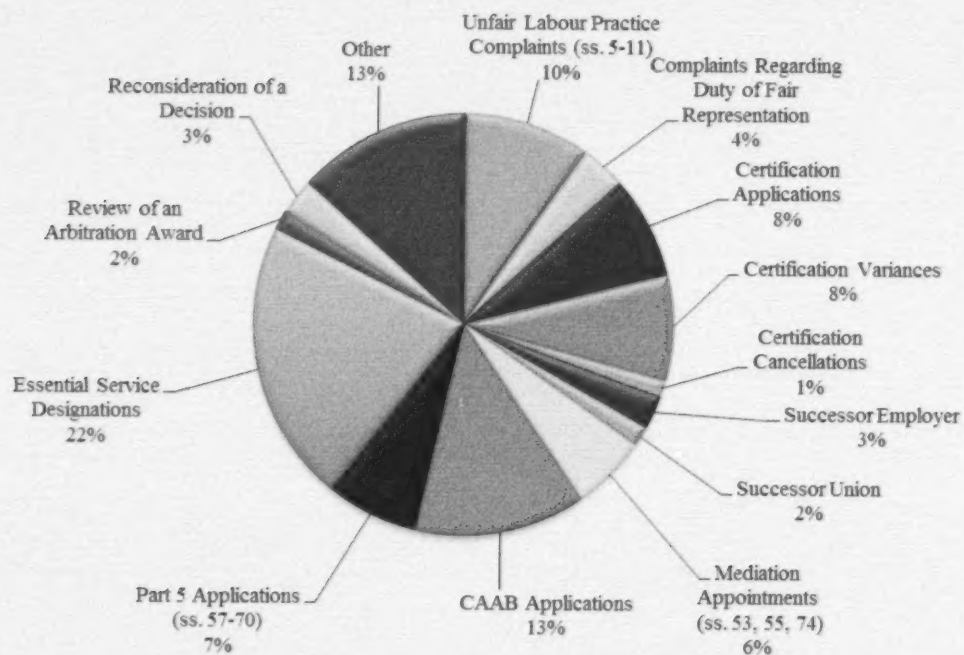


TABLE 1A: Certification Applications and Certification Cancellations Under s. 33(2) Granted in 2014 - Analyzed by Industry

Type of Industry	Certification Applications		Certification Cancellations ¹	
	Number of Applications Granted	Number of Employees ²	Number of Applications Granted	Number of Employees ³
Accommodation and Food Services	1	109	1	34
Administrative and Support, Waste Management and Remediation Services	5	156	1	22
Arts, Entertainment and Recreation	1	42	1	8
Construction	12	289	1	21
Educational Services	8	2415	1	30
Finance and Insurance	1	9	0	0
Health Care and Social Assistance	28	1286	2	9
Information and Cultural Industries	1	15	0	0
Manufacturing	3	156	1	5
Mining, Quarrying and Oil and Gas Extraction	1	15	0	0
Professional, Scientific and Technical Services	1	4	0	0
Public Administration	1	217	1	7
Real Estate and Rental and Leasing	1	9	1	3
Retail Trade	3	60	2	22
Transportation and Warehousing	3	195	0	0
Utilities	1	7	0	0
Wholesale Trade	0	0	1	11
Other Services (except Public Administration)	4	45	1	4
Total	75	5029	14	176

¹ In order to accurately reflect the number of employees per granted application, only those certification cancellation applications brought by employees under s. 33(2) of the *Labour Relations Code* are included in this table. Thus, the total number of applications granted may not equal the corresponding figure from the Certification Cancellations category in TABLE 1. See TABLE 3 for a breakdown of Certification Cancellations by applicant type.

² The number of employees on an application for certification is based on the information supplied by the union on the application form.

³ The number of employees on an application to cancel a certification is based on the number of eligible voters on the Return of Poll signed by the returning officer.

**Chart 1A: Certification Applications Granted - Analyzed by Type of Industry
(Number of Applications)**

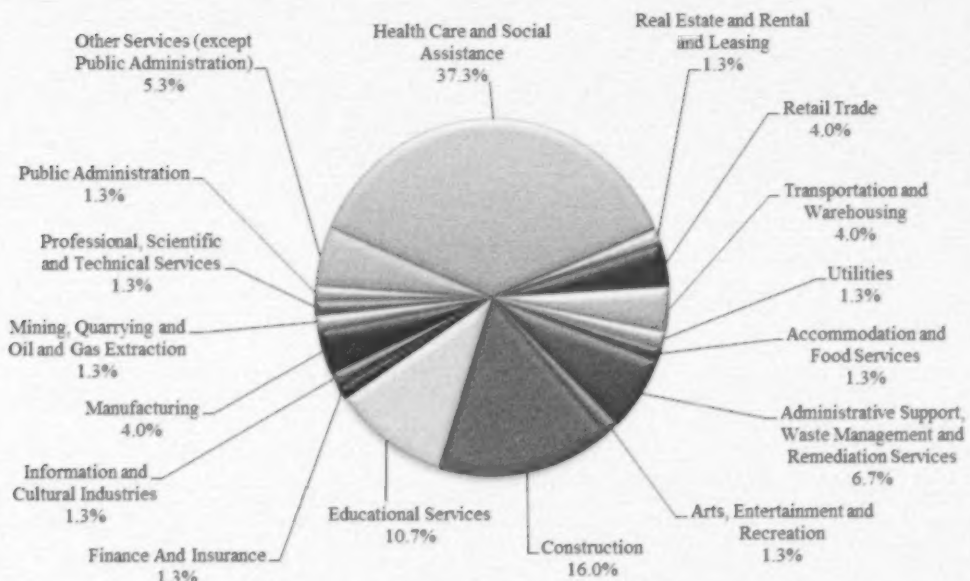


**Chart 1B: Certification Applications Granted - Analyzed by Type of Industry
(Number of Employees)**

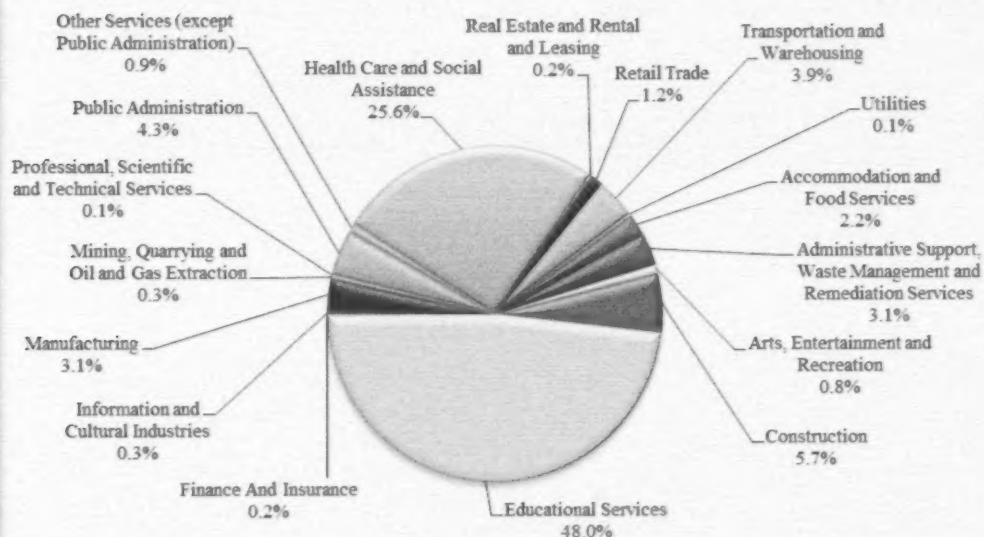


Chart 1C: Certification Cancellations (s.33(2)) Granted - Analyzed by Type of Industry (Number of Applications)

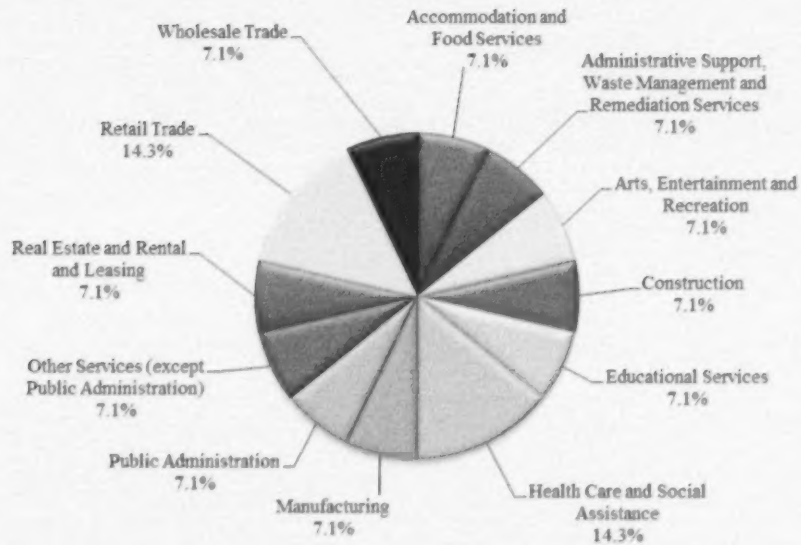


Chart 1D: Certification Cancellations (s.33(2)) Granted - Analyzed by Type of Industry (Number of Employees)

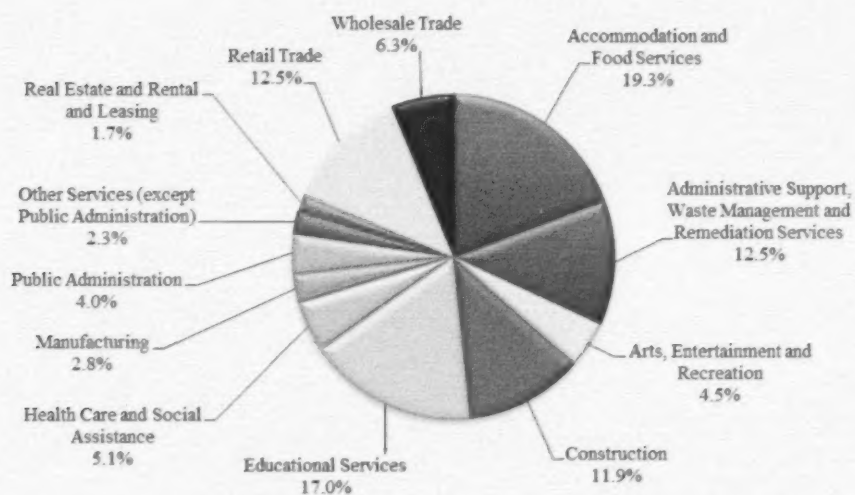


**TABLE 1B: Certification Applications and Certification Cancellations Under s. 33(2)
Filed / Granted in 2014 - Analyzed by Union**

UNION NAME (Names have been abbreviated: where possible, the commonly used, shortened form appears)	Certification Applications		Certification Cancellations ¹	
	Number of Applications Filed ²	Number of Applications Granted	Number of Applications Filed ²	Number of Applications Granted
BCGEU (not including Brewery Workers)	7	6	6	3
Bakery Workers	1	1	0	0
Brewery Workers	2	0	0	0
Canada West Construction Union (CWCU)	0	1	0	0
Carpenters (not including CMAW or CAST councils)	2	2	0	0
CLAC	3	1	0	0
CSTA Catholic School	1	0	0	0
CUPE	12	5	1	2
Electrical Workers (IBEW)	3	1	0	0
Food and Commercial Workers (UFCW)	0	0	1	0
Glazier & Glass Workers	1	1	0	0
Heat and Frost	1	0	0	0
Hospital Employees Union (HEU)	9	7	2	0
Health Sciences Association (HSA)	1	1	0	0
Hotel Employees (UNITE HERE)	3	2	3	3
Iron Workers	19	3	0	0
Judicial Administrative Assistants	1	0	0	0
Labourers	2	2	1	0
Longshore	1	0	0	0
Machinists and Aerospace Workers	6	2	0	0
Nurses (BCNU)	19	7	0	0
Nurses (UPN)	0	2	0	0
Office and Professional Employees (COPE)	2	2	1	1

**TABLE 1B: Certification Applications and Certification Cancellations Under s. 33(2)
Filed / Granted in 2014 - Analyzed by Union**

UNION NAME (Names have been abbreviated; where possible, the commonly used, shortened form appears)	Certification Applications		Certification Cancellations ¹	
	Number of Applications Filed ²	Number of Applications Granted	Number of Applications Filed ²	Number of Applications Granted
Operating Engineers (IUOE)	13	7	0	0
Owner-Operators (COOWA)	3	1	0	0
Professional Institute of the Public Service of Canada (PIPSC)	2	1	0	0
Plumbers & Refrigeration Workers	2	1	1	1
Post-Secondary Educators (FPSE)	6	5	0	0
Public Service Alliance (PSAC)	0	1	0	0
PPWC	1	0	0	0
Retail Wholesale (RWU)	0	0	1	1
Steelworkers	10	4	0	0
Teamsters	10	5	4	3
Transit Police Professional Association	0	1	0	0
Unifor	8	3	0	0
Single Employer Bargaining Association	2	0	0	0
Total	153	75	21	14

¹ Only those certification cancellation applications brought by employees under s. 33(2) of the *Labour Relations Code* are included in this table. Thus, the number of applications filed and/or granted may not equal the corresponding figure from the Certification Cancellations category in TABLE 1. See TABLE 3 for a breakdown of certification cancellations by applicant type.

² Does not include applications that were not proceeded with (NPW) due to incorrect or insufficient information supplied on the application.

TABLE 2: Certification Applications and Certification Cancellations Under s. 33(2) Filed / Decided in 2014

Type of Application		Filed ¹	Granted	Dismissed	Total Decided
Total Certification Applications	Number of Applications	153	75	42	117
	Number of Employees ²	9001	5029	2173	7202
<i>Certification Applications for Previously Unorganized Employees</i>	Number of Applications	127	67	27	94
	Number of Employees	8168	4793	1628	6421
<i>Certification Applications for Organized Employees</i>	Number of Applications	26	8	15	23
	Number of Employees	833	236	545	781
Total Applications to Cancel a Certification Brought by Employees under s. 33(2) ³	Number of Applications	21	14	8	22
	Number of Employees ⁴	495	176	181	357

¹ Does not include applications that were not proceeded with (NPW) due to incorrect or insufficient information supplied on the application.

² The number of employees on an application for certification is based on the information supplied by the union on the application form. Variances do occur between the time of application and the time of disposition of the application. The estimate could include some multiple counting where more than one union applied to cover the same group of employees, or where the same union made alternative applications to cover the same group of employees.

³ Since only those certification cancellation applications brought by employees under s. 33(2) of the *Labour Relations Code* are included in this table, the number of applications filed and/or decided may not equal the corresponding figure from the Certification Cancellations category in TABLE 1. See TABLE 3 for a breakdown of certification cancellations by applicant type.

⁴ The number of employees on an application to cancel a certification is based on the number of eligible voters on the Return of Poll signed by the returning officer. The number of employees on an application for which a Return of Poll is either not available or not applicable (in particular, for the number of applications Filed) is based on the bargaining unit size listed in the report of the Industrial Relations Officer.

TABLE 2A: Certification Applications and Certification Cancellations Under s. 33(2) Granted in 2014 - Analyzed by the Size of the Bargaining Unit

Size of Bargaining Unit (Number of Employees)	Certification Applications		Certification Cancellations ¹	
	Number of Applications Granted	Percentage of Applications Granted	Number of Applications Granted	Percentage of Applications Granted
1 to 10	25	33%	8	57%
11 to 20	13	17%	2	14%
21 to 30	7	9%	3	21%
31 to 40	5	7%	1	7%
41 to 50	7	9%	0	0%
51 to 60	1	1%	0	0%
61 to 70	1	1%	0	0%
71 to 80	2	3%	0	0%
81 to 90	2	3%	0	0%
91 to 100	2	3%	0	0%
101 to 200	6	8%	0	0%
Over 200	4	5%	0	0%
Total	75	100%	14	100%

¹ In order to accurately reflect the number of employees per granted application, only those certification cancellation applications brought by employees under s. 33(2) of the *Labour Relations Code* are included in this table. Thus, the total number of applications granted may not equal the corresponding figure from the Certification Cancellations category in TABLE 1. See TABLE 3 for a breakdown of Certification Cancellations by applicant type.

**Chart 2A: Certification Applications Granted in 2014
Analyzed by Size of Bargaining Unit (Percentage of Applications)**

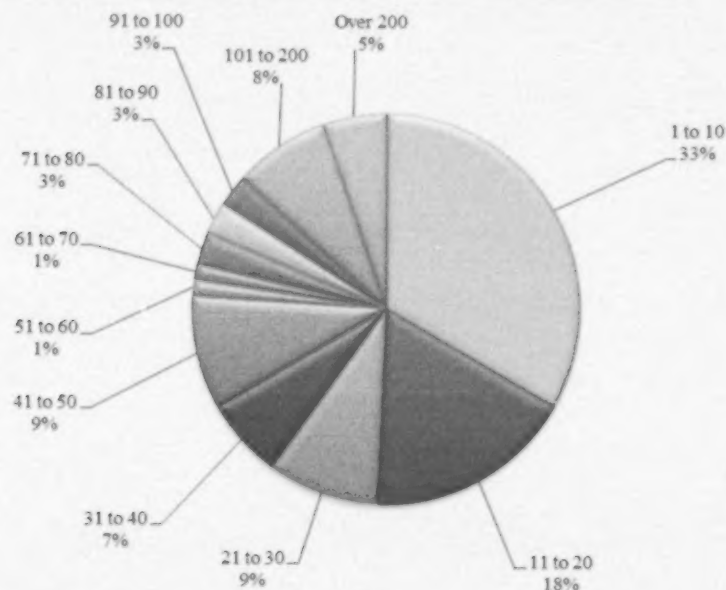


**Chart 2B: Certification Cancellations (s.33(2)) Granted in 2014
Analyzed by Size of Bargaining Unit (Percentage of Applications)**

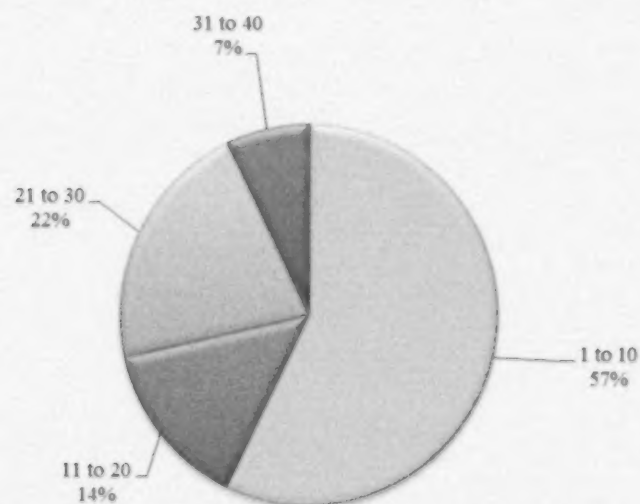


**TABLE 2B: Certification Applications Granted Between 1991 and 2014
by Size of the Bargaining Unit**

Year	Number and Percentage of Certification Applications						
	1 to 20 Employees		21 to 50 Employees		Over 50 Employees		Total
1991	173	70.9%	47	19.3%	24	9.8%	244
1992	130	66.0%	47	23.9%	20	10.1%	197
1993	353	69.4%	102	20.0%	54	10.6%	509
1994	292	66.9%	86	19.7%	59	13.4%	437
1995	253	64.4%	100	25.4%	40	10.2%	393
1996	312	72.5%	80	18.6%	38	8.9%	430
1997	285	69.6%	71	17.4%	53	13.0%	409
1998	233	67.0%	65	18.7%	50	14.3%	348 ¹
1999	239	65.8%	65	17.9%	59	16.3%	363 ²
2000	169	64.3%	45	17.1%	49	18.6%	263
2001	105	58.0%	40	22.1%	36	19.9%	181
2002	62	70.4%	13	14.8%	13	14.8%	88
2003	54	72.0%	11	14.7%	10	13.3%	75 ³
2004	58	65.9%	17	19.3%	13	14.8%	88
2005	170	63.9%	62	23.3%	34	12.7%	266 ⁴
2006	58	65.2%	21	23.6%	10	11.2%	89
2007	72	59.5%	26	21.5%	23	19.0%	121
2008	62	64.6%	13	13.5%	21	21.9%	96
2009	43	48.9%	20	22.7%	25	28.4%	88
2010	42	58.3%	13	18.1%	17	23.6%	72
2011	34	58.6%	15	25.8%	9	15.5%	58 ⁵
2012	37	55.2%	15	22.4%	15	22.4%	67
2013	78	63.5%	30	24.4%	15	12.1%	123
2014	38	50.7%	19	25.3%	18	24.0%	75

¹ One single certification application resulted in the issuance of two individual certifications; thus the total of certifications granted in 1998 amounts to 349.

² One single certification application resulted in the issuance of two individual certifications; thus the total of certifications granted in 1999 amounts to 364.

³ Five separate certification applications for the same employee bargaining unit were granted and simultaneously consolidated resulting in the issuance of a single certification; thus the total number of new certifications granted for a bargaining unit size between 1 and 20 employees is 50 and the total number of certifications granted in 2003 is 71.

⁴ A number of applications to certify separate units were amended at some time in the process prior to disposition to certify a consolidated unit(s). A further application was granted and two certifications issued as a result. In total, in 2005, 266 certification applications were granted resulting in 249 certifications being issued.

⁵ Three certification applications to certify separate units were amended at some time in the process prior to disposition to certify a consolidated unit (a single certification was issued as a result). In total, in 2011, 58 certification applications were granted resulting in 56 certifications being issued.

TABLE 3: Applications to Cancel Certifications Disposed of in 2014 and 2013

Type of Applicant (and Application)	Year	Granted	Dismissed	Not Proceeded With	Withdrawn	Total
Filed by Employee(s) (s. 33)	2014	14	8	3	2	27
	2013	26	5	5	3	39
Filed by Employee(s) (s. 142 - Partial Decertification) ¹	2014	4	2	0	0	6
	2013	7	3	1	4	15
Filed by Employer(s)	2014	2	0	0	1	3
	2013	2	2	0	0	4
Filed by Union(s)	2014	0	0	0	0	0
	2013	1	1	0	0	2
Filed by Employer(s) / Union(s)	2014	0	0	0	0	0
	2013	1	0	0	0	1
Total	2014	20	10	3	3	36
	2013	37	11	6	7	61

¹ Applications filed under s. 142 for Partial Decertification are included in TABLE 1 under the category Certification Variances; therefore, subtracting the number of applications filed by employees under s. 142 from the Total number of applications disposed of in TABLE 3 will equal the number of applications disposed of in TABLE 1 for the Certification Cancellations category.

TABLE 4: Reconsiderations Disposed of in 2014

Type Of Application Being Reconsidered	Leave Denied	Dismissed	Granted	Withdrawn	Not Proceeded With	Total
Duty to Bargain in Good Faith (s.11)	1	0	0	0	0	1
Duty of Fair Representation (s. 12)	13	1	3	0	0	17
Other Unfair Labour Practice Complaint (ss. 5-9)	5	0	2	0	0	7
Certification	6	0	1	0	0	7
Certification Cancellation	2	0	0	0	0	2
Common Employer	1	0	0	0	0	1
Review of Arbitration Award	5	1	4	0	0	10
Adjustment Plan (s. 54)	0	0	1	0	0	1
Interpretation of the Legislation as it Applies to the Collective Bargaining Relationship (s.139)	4	0	1	0	0	5
Ruling re: second original decision on Duty of Fair Representation	0	0	1	0	0	1
Ruling re: Procedure	2	0	0	2	0	4
Ruling re: Remedy	0	0	1	0	0	1
TOTAL	<u>39</u>	<u>2</u>	<u>14</u>	<u>2</u>	<u>0</u>	<u>57</u>

Appellant	Leave Denied	Dismissed	Granted	Withdrawn	Not Proceeded With	Total
Employer(s)	9	0	6	0	0	15
Union(s)	12	1	5	2	0	20
Employee(s)	18	1	3	0	0	22
TOTAL	<u>39</u>	<u>2</u>	<u>14</u>	<u>2</u>	<u>0</u>	<u>57</u>

**Chart 4: Types of Applications Being Reconsidered
(Disposed of in 2014)**

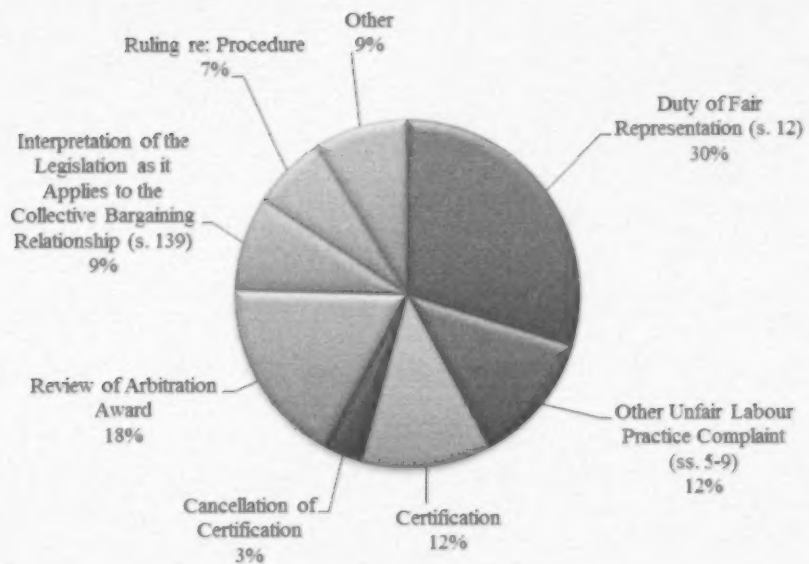


**TABLE 5: "Success" Rate of Reconsiderations
Disposed of Between 2004 and 2014**

Year	Total Applications Disposed of	Withdrawn / Not Proceeded With	Processed to a Final Decision	Resulted in a Revision of the Original Decision	"Success" Rate of Reconsiderations
2004	112	6	106	12	11%
2005	87	11	76	8	11%
2006	72	9	63	8	13%
2007	65	11	54	5	9%
2008	47	6	41	6	15%
2009	48	4	44	8	18%
2010	51	2	49	10	20%
2011	45	2	43	6	14%
2012	59	2	57	15	26%
2013	47	3	44	14	32%
2014	57	2	55	14	25%

**TABLE 6: "Success" Rate of Reviews of Arbitration Awards
Disposed of Between 2004 and 2014**

Year	Total Applications Disposed of	Withdrawn / Not Proceeded With	Processed to a Final Decision	Resulted in a Revision of the Original Decision	"Success" Rate of Reconsiderations
2004	58	8	50	11	22%
2005	36	4	32	6	19%
2006	50	7	43	11	26%
2007	26	3	23	5	22%
2008	37	7	30	7	23%
2009	39	6	33	4	12%
2010	31	5	26	8	31%
2011	35	8	27	2	7%
2012	59	4	55	7	13%
2013	15	1	14	1	7%
2014	33	4	29	1	3%

Chart 5: "Success" Rate - Reconsiderations

—●— Percentage of Reconsideration Applications Granted

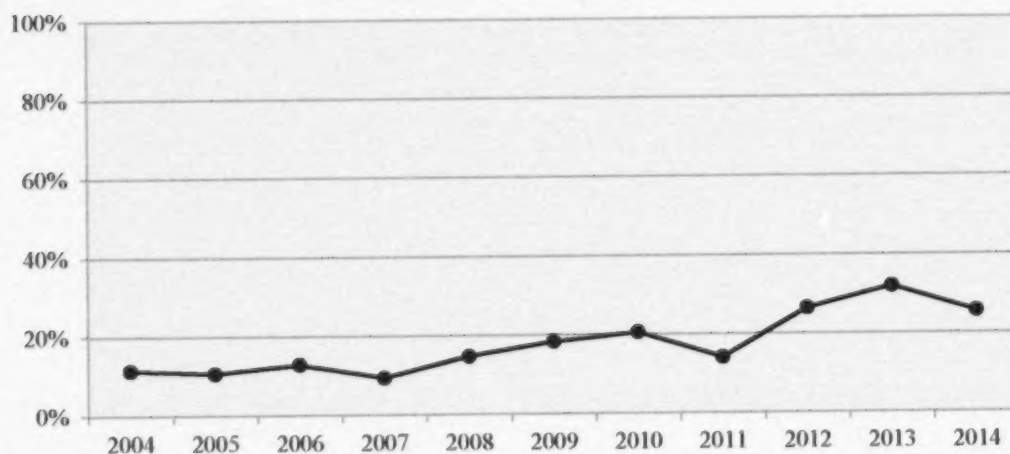


Chart 6: "Success" Rate - Review of Arbitration Award

—●—

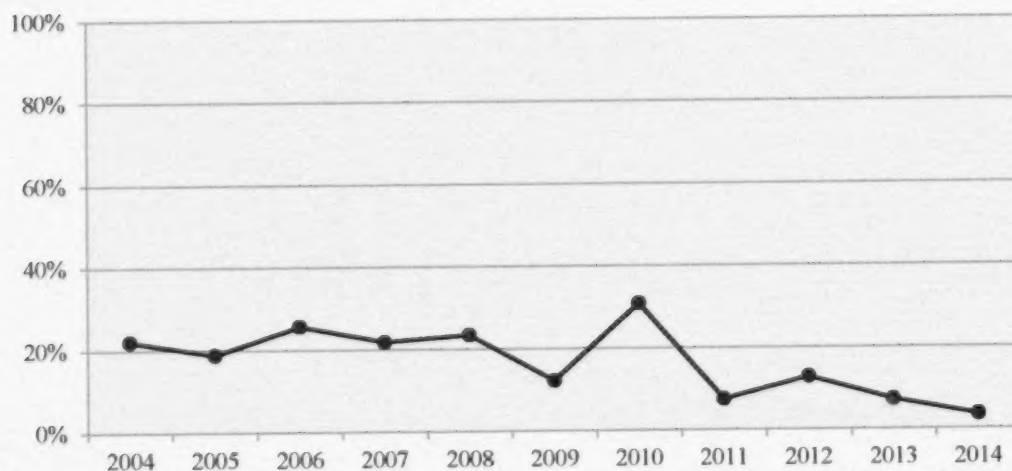


TABLE 7: Applications and Complaints Filed in 2014 - Analyzed by Applicant Type

Type of Application	Filed by Employer(s)	Filed by Union(s)	Filed by Employee(s)	Other	Total ¹
Complaints of Unfair Labour Practices					
<i>Complaints Regarding Internal Union Affairs (s. 10)</i>	0	0	3	0	3
<i>Complaints Regarding Duty to Bargain in Good Faith (s. 11)</i>	5	22	0	0	27
<i>Complaints Regarding Duty of Fair Representation (s. 12)</i>	1	0	68	1	70
<i>Other Unfair Labour Practice Complaints (ss. 5-9)</i>	3	153	11	0	162
Religious Exemption (s. 17)	0	0	5	0	5
Certification Applications (ss. 18, 19 and 28)	0	153	0	0	153
Certification Variances (ss. 28 and 142)	36	128	7	0	158
Certification Cancellations (ss. 33 and 142)	1	0	24	0	25
Cancellation of a Voluntary Recognition (s. 34)	0	0	7	0	7
Permission to Alter Conditions of Employment	1	0	0	0	1
Alleged Unlawful Alteration of Employment Terms and Conditions (ss. 32 and 45)	0	19	0	0	19
Declaration of Successor Status					
<i>Successor Employer (s. 35)</i>	15	35	1	0	51
<i>Successor Union (s. 37)</i>	0	31	0	0	31
Common Employer (s. 38)	1	15	0	0	16
Accreditation Applications (s.43)	1	0	0	0	1
Accreditation Variances (ss. 43 and 142)	1	0	0	0	1
Alleged Failure to Execute or Comply with a Collective Agreement (s. 49)	2	6	2	0	10
Facilitator (s. 53(3))	9	13	0	0	14
First Collective Agreement (s. 55)	2	5	0	0	7
Appointment of a Mediation Officer (s. 74)	36	58	0	0	92
Collective Agreement Arbitration Bureau (CAAB)					
<i>Section 86 (Appointment of Arbitrator)</i>	5	43	0	0	48
<i>Section 87 (Appointment of Settlement Officer)</i>	3	19	1	0	22
<i>Section 104 (Appointment of Arbitrator)</i>	8	181	0	0	189
<i>Section 105 (Appointment of Mediator-Arbitrator)</i>	0	1	0	0	1
Combined CAAB Sections	16	244	1	0	260
Part 5 Applications (Strikes, Lockouts, Picketing, etc.) (ss. 57-67 and ss. 69-70)	125	9	0	0	134

TABLE 7: Applications and Complaints Filed in 2014 - Analyzed by Applicant Type					
Type of Application	Filed by Employer(s)	Filed by Union(s)	Filed by Employee(s)	Other	Total ¹
Replacement Workers (s. 68)	0	3	0	0	3
Essential Service Designations (s. 72)	0	0	0	425	425
Last Offer Vote (s. 78)	11	0	0	0	11
Review of Arbitration Award (s. 99)	11	14	6	0	31
Interim Order (s. 133(5))	1	6	0	0	7
File an Order in Supreme Court (s. 135)	60	13	1	1	75
Interpretation of the Legislation as it Applies to the Collective Bargaining Relationship (s. 139)	9	18	1	0	28
Reconsideration of a Decision (s. 141)	13	19	21	0	53
Declaratory Opinion (Excluding Declaratory Opinions Pertaining to Part 5 of the Legislation)	0	5	0	0	5
Miscellaneous	21	50	5	2	77
TOTAL	<u>381</u>	<u>1019</u>	<u>163</u>	<u>429</u>	<u>1962</u>

¹ Totals by applicant do not equate with total applications because certain applications were filed jointly, by more than one type of party.

TABLE 8: Time Required to Process Certain Applications Disposed of in 2014

Type of Application	Number of Applications Disposed of ¹	Average Number of Days	Median Number of Days
Unfair Labour Practice Complaints Under S.6 of the <i>Labour Relations Code</i> Where a Dismissed Employee is Involved	37	84	36
Complaints Regarding Duty of Fair Representation (S.12)	42	92	97.5
Certification Applications (Ss. 18, 19, 28)	155	43	23
Certification Cancellations (S.33(2))	24	138	34.5
Declaration of Successor Employer (S.35)	54	57	34
Common Employer (S.38)	16	68	40.5
Review of Arbitration Award (S.99)	32	128	115
Interpretation of the Legislation as it Applies to the Collective Bargaining Relationship (S.139)	69	1134	1361
Reconsideration of a Decision (S.141)	57	44	26

¹ Does not include applications that were not proceeded with (NPW) due to incorrect or insufficient information supplied on the application.

TABLE 9: Officer Assignments Completed in 2014

Assignment Outcome							
Type of Application / Complaint	Settled/ Withdrawn	Resolved Issues / Assisted at Hearing	Narrowed Issues / Assisted at Hearing	To Adjudication (No Informal)	Report of Investigation	Other ¹	Total
Part V (ss.57 to 70) ²	6	0	2	1	0	0	9
Unfair Labour Practice (ss.5 to 11) ³	41	0	2	7	1	0	51
Certification & Variance to Expand the Bargaining Unit ⁴	18	37	42	3	1	6	107
Decertification & "Partial Decertification" ⁵	2	2	9	0	0	0	13
Collective Agreement Arbitration (CAAB) (ss.86, 87, 104, 105) ⁶	37	0	2	0	0	16 ⁷	55
Other	<u>9</u>	<u>1</u>	<u>0</u>	<u>4</u>	<u>11</u>	<u>0</u>	<u>25</u>
TOTAL	<u>113</u>	<u>40</u>	<u>57</u>	<u>15</u>	<u>13</u>	<u>22</u>	<u>260</u>

¹ Includes Consent Order issued.² Includes complaints regarding strikes, lockouts, picketing, etc.³ Excludes duty of fair representation (s.12)⁴ In reports prior to 2001, the number of certification & expanded bargaining unit applications Settled / Withdrawn were included in the Resolved Issues / Assisted at Hearing assignment outcome category.⁵ Prior to 2003 applications for 'partial decertification' were included under Other types of applications.⁶ Reporting of assignments under the Collective Agreement Arbitration provisions of the *Labour Relations Code* first appears in the 2003 annual report.⁷ Includes 11 assignments closed with matter proceeding to arbitration.

TABLE 10: Requests for Automatic Certification Pursuant to s. 14(4)(f) of the *Labour Relations Code* as a Result of an Alleged Unfair Labour Practice Violation
 (Previously s. 8(4)(c) of the *Labour Relations Code* and the *Industrial Relations Act*)

Year	Requested	Granted
1977	25	1
1978	17	1
1979	25	1
1980	22	0
1981	34	2
1982	15	2
1983	18	0
1984	21	3
1985	16	2
1986	18	2
1987	17	0
1988	10	0
1989	10	0
1990	18	3
1991	20	1
1992	32	6
1993	31	2
1994	31	2
1995	35	0
1996	41	1
1997	52	3
1998	40	0
1999	51	0
2000	21	1
2001	9	0
2002	12	3
2003	13	0
2004	8	1
2005	7	1
2006	8	0
2007	10	1
2008	17	2
2009	16	0

TABLE 10: Requests for Automatic Certification Pursuant to s. 14(4)(f) of the *Labour Relations Code* as a Result of an Alleged Unfair Labour Practice Violation
(Previously s. 8(4)(c) of the *Labour Relations Code* and the *Industrial Relations Act*)

Year	Requested	Granted
2010	18	1
2011	9	0
2012	9	3 ¹
2013	11	0
2014	<u>18</u>	<u>1</u>
TOTAL	<u>785</u>	<u>46</u>

These requests relate to *Other Unfair Labour Practice Complaints* and are not included under Applications for Certification.

Note: Figures for 1993 to 1995 were not included in the Annual Reports for these years.

¹ One certification issued as a result of reconsideration.

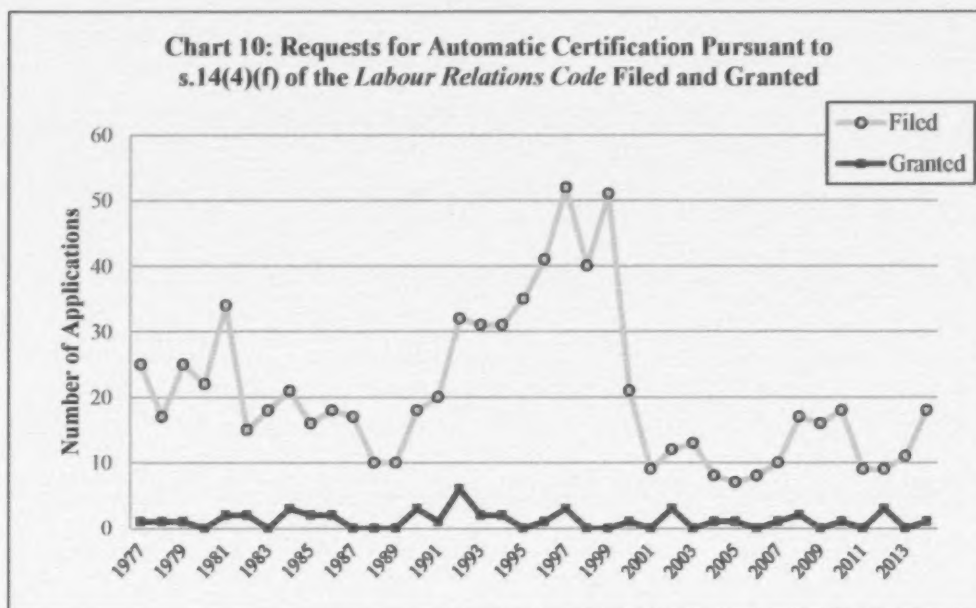


**Table 11: Complaints Regarding Duty of Fair Representation
Disposed of Between 2004 and 2014**

Year	Total Applications Disposed of	Not Proceeded With	Settled	Processed to a Final Decision	Granted	Dismissed
2004	132	40	13	79	8	71
2005	101	44	10	47	5	42
2006	99	34	9	56	1	55
2007	90	39	9	42	0	42
2008	70	29	7	34	2	32
2009	96	36	1	59	5	54
2010	82	26	5	51	5	46
2011	74	17	1	56	4	52
2012	75	24	2	49	2	47
2013	55	10	0	45	1	44
2014	67	25	1	41	1	40

Chart 11: Duty of Fair Representation Decisions

